

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PATRICK HENRY MURPHY, JR.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION
	§	NO. 4:19-cv-1106
BRYAN COLLIER, Executive	§	
Director of the Texas	§	
Department of Criminal Justice;	§	
LORIE DAVIS, Director of the	§	
Texas Department of Criminal	§	
Justice - Correctional	§	
Institutions Division; and	§	
BILLY LEWIS, Warden of the	§	
Huntsville Unit,	§	
	§	
Defendants.	§	

\*\*\*\*\*  
ORAL DEPOSITION OF  
LORIE DAVIS  
JUNE 20, 2019  
\*\*\*\*\*

ORAL DEPOSITION of LORIE DAVIS, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on June 20, 2019, from 8:59 a.m. to 10:49 a.m., before Kerrienne L. Bond, CSR in and for the State of Texas, reported by machine shorthand, at the TDCJ Conference Center, 1206 Avenue I, Huntsville, Texas, pursuant to the Federal Rules of Civil Procedure and stipulations of counsel as set out herein or attached hereto.

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MS. AMY LEE, Texas Department of Criminal Justice,  
Office of the General Counsel

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Disciplinary records from 11/21/2003 to  
present for Offender Murphy, Patrick

1 THE REPORTER: This is the deposition of  
2 Lorie Davis in the matter of Patrick Henry Murphy, Jr.,  
3 versus Bryan Collier, Lorie Davis, and Billy Lewis. Our  
4 location is 1206 Avenue I in Huntsville, Texas, and we  
5 are on the record at 8:59 a.m. My name is Kerrie Bond,  
6 and my business address is 11309 Pickard Lane, Austin,  
7 Texas 78748.

8 Would all persons present please  
9 introduce themselves for the record?

10 MS. DAVIS: Lorie Davis.

11 MS. O'LEARY: I'm Leah O'Leary from the  
12 Attorney General's Office. I represent Ms. Davis.

13 MS. PRASAD: Amy Prasad, also from the  
14 Attorney General's Office.

15 MS. LANTIEGNE: Calysta Lantiegne, Deputy  
16 General Counsel for the Texas Department of Criminal  
17 Justice.

18 MS. LEE: Amy Lee. I work for the  
19 General Counsel's Office for TDCJ.

20 MR. NEWBERRY: I'm Jeff Newberry. I  
21 represent Patrick Murphy, the plaintiff.

22 (Witness sworn.)

23 \*

24 \*

25 \*

\*

\*

1 LORIE DAVIS,  
2 having been first duly sworn, testified as follows:

3 E X A M I N A T I O N

4 BY MR. NEWBERRY:

5 Q. Ms. Davis, I know we met a few minutes ago,  
6 but once again, I'm Jeff Newberry. I represent Patrick  
7 Murphy, the plaintiff in this case. I know the court  
8 reporter has already asked you to state your name.  
9 Could you, one more time, just state your full name for  
10 the record?

11 A. Lorie Davis.

12 Q. And how are you employed, Ms. Davis?

13 A. I'm employed as the director of the  
14 correctional institutions division for the Texas  
15 Department of Criminal Justice.

16 Q. And how long have you worked in that position  
17 as the director of the correctional institutions  
18 division?

19 A. For about three years.

20 Q. Okay. And how long have you been employed by  
21 TDCJ?

22 A. A little over 30 years.

23 Q. Now, I assume, in your position, it's likely  
24 that you've been deposed before. Is that correct? Or  
25 have you been deposed before?

1 A. No, sir.

2 Q. Okay. Then I just want to talk about a few  
3 things, generally, about depositions, then.

4 I want to remind you that you are under  
5 oath, that the court reporter has put you under oath,  
6 and that oath is similar in weight -- it's exactly the  
7 same as you would take if you were in a courtroom  
8 proceeding, so the importance of this is exactly the  
9 same.

10 I want to remind you that you have a duty  
11 to answer the questions. Your counsel may object to  
12 some things, but unless she instructs you not to answer  
13 a question for a limited set of reasons, then you are --  
14 I am entitled to an answer to my questions. Her  
15 objections might lead to the Court later finding the  
16 information to be inadmissible, but no one's here to  
17 make those rulings now. So for the most part, I'm  
18 entitled to an answer on my questions unless your  
19 counsel instructs you not to object (sic).

20 I'm going to just get right into my  
21 questions. Looking at some of the documents that were  
22 provided by you in preparation for this deposition, one  
23 of the things that we've been provided is a list of all  
24 the different religions that have been designated by  
25 people who are currently on death row.

1 And one thing I wanted to ask you about on  
2 that, the total number of people accounted for on that  
3 list is 206, but according to the TDCJ website this  
4 morning, the number of people on death row is 220, with,  
5 I believe, 214 being the number of men and 6 being the  
6 number of women.

7 And so I -- I guess my first question is:  
8 Do you know what accounts for the difference between the  
9 206 reported in the figures that we were given -- the  
10 information we were given ahead of the deposition and  
11 the number 220 reported on the website?

12 A. I have not reviewed that document.

13 Q. Let me show you what I'm talking about, then.  
14 This is information that we were provided by your  
15 counsel as relevant to information that we'd requested  
16 you provide at this deposition.

17 That first table, my understanding, is a  
18 breakdown of all the religions that have been designated  
19 by persons currently on death row. The next four or  
20 five pages, however many pages remain, is the same  
21 information but broken down by individual.

22 A. Okay.

23 Q. And so my question, once again, is: Are you  
24 aware of what accounts for the difference between the  
25 206 number that is indicated on the first page there and

1 the 220, which is what I believe the current number of  
2 people on death row is?

3 A. I do not personally compile this list, so I  
4 can't speak to why there's a difference in the two  
5 numbers.

6 Q. Can I ask you if you know of any other  
7 religions being designated by anyone currently on death  
8 row, whether man or woman, that is not reflected on that  
9 list?

10 A. I do not -- am not familiar with the  
11 designated religions of the offenders on death row.  
12 That's not something that I deal with in my purview.

13 Q. Who would be familiar with that information?

14 A. I would -- again, I don't know who produced  
15 this document, if this was generated from executive  
16 services off of information in the computer, or the  
17 rehabilitation division has the responsibility for the  
18 designation of the -- of the religious preference.

19 Q. If I told you the document was given to me by  
20 your attorney in preparation for this deposition, would  
21 you have any reason to doubt that?

22 A. I -- I would assume. I don't know.

23 Q. Do you have access to the records -- you know,  
24 there are documents that are produced when inmates on  
25 death row select a particular religion. In your



1 **position, do you have access to those records?**

2 A. That's a very generic question. I don't know  
3 what particular records that you're referring to.

4 **Q. Do you have access to the records that reflect**  
5 **what religious designations the prisoners on death row**  
6 **make?**

7 A. It depends on -- on the record and the  
8 document, sir.

9 **Q. Are there records that you don't have access**  
10 **to?**

11 A. There could be. I don't have access to  
12 everything.

13 **Q. Do you have access to all documents related to**  
14 **religious designations made by inmates?**

15 A. I do not know whether I have access to all  
16 documents or not, because I don't understand what all  
17 documents you're referring to.

18 **Q. I'm only referring to those by which prisoners**  
19 **make their -- designate their choice of religion.**  
20 **That's the only documents I'm talking about.**

21 A. Those aren't documents that I would normally  
22 review in my purview as the director of CID.

23 **Q. You are aware that we asked for this**  
24 **information ahead of this deposition, and we also asked**  
25 **for this information in the interrogatories that we sent**

1 approximately 25 days ago. Are you aware of that?

2 A. I do not know the specifics of everything that  
3 you requested. I do not.

4 Q. You have not been able to review the request  
5 for documents that we sent to your attorney ahead of  
6 today's deposition?

7 A. I -- I looked at one of the requests that came  
8 in, but I don't know -- I don't know what that was,  
9 necessarily, as you -- as you are implying.

10 Q. And have you looked at the interrogatories  
11 that we sent to Ms. O'Leary, your counsel today? I  
12 think it was about 25 days ago. Have you looked at  
13 those?

14 A. At the interrogatories?

15 Q. Yes, ma'am, the questions.

16 A. Yes, sir.

17 Q. Do you remember this information being  
18 contained in the interrogatories?

19 A. Not specifically.

20 Q. I'll move on to the next area. I want to talk  
21 next about the people who have been in the execution  
22 chamber when somebody is executed. I know we've  
23 received four or five different copies of the execution  
24 procedures document, and I note with this particular  
25 interest, there has been a change made on April 2nd.

1                   My question is: Prior to the April 2nd  
2 amendment, is it true that three people would accompany  
3 an inmate in the execution chamber, and those three  
4 people would be either the -- well, excuse me -- the  
5 correctional institution division director or designee,  
6 who currently is you; the second person would be the  
7 Huntsville unit warden or his designee; and the third  
8 person would be the Huntsville unit chaplain or  
9 designated, approved TDCJ chaplain? Is that  
10 understanding correct?

11           A. That prior to April 2nd, those were the three  
12 people that were allowed in the execution chamber?

13           Q. Yes. Is that correct?

14           A. Yes, sir.

15           Q. Would anyone other than those three people  
16 have been allowed in the execution chamber during an  
17 execution before the April 2nd amendment to the  
18 execution procedures document?

19           A. Not during my tenure as CID director, no, sir.

20           Q. And then, of course, the April 2nd change was  
21 to remove that third person, which would be the  
22 Huntsville unit chaplain or designated, approved TDCJ  
23 chaplain, from the people who were in the execution  
24 chamber. Is that -- is that correct?

25           A. Yes, sir.

1 Q. So after the April 2nd revision to the  
2 execution procedures document, there will only be two  
3 people accompanying the inmate in the execution chamber?

4 A. After the --

5 Q. After the April 2nd change.

6 A. Yes.

7 Q. And those two people would be the person  
8 serving in your position or someone designated by you,  
9 and the Huntsville unit warden or someone designated to  
10 fill in that spot?

11 A. Those are the two people authorized in the  
12 execution chamber under the current procedure.

13 Q. And I want to talk next about the people that  
14 have been disclosed to us as people who have been  
15 present in the execution chamber. Of course, we asked  
16 for this information going back to when executions  
17 resumed in 1982.

18 Among the people that we've been told were  
19 in the execution chamber during an execution, the first  
20 person would be yourself. You, of course, are in the  
21 correctional institution division. Is it correct that  
22 the first execution where you were in the execution  
23 chamber was April 6th, 2016?

24 A. I believe so.

25 Q. And you began working for TDCJ on

1 December 20th, 1988?

2 A. Yes, sir.

3 Q. For how many executions have you been in the  
4 execution chamber?

5 A. I believe 23.

6 Q. During the time that you've been the director  
7 of the correctional institutions division, have you  
8 designated anyone to stand in your place during an  
9 execution? In other words, has there been any other  
10 person besides you, during the time that you've been the  
11 director, who's been in the execution chamber in that  
12 capacity?

13 A. There was one time when I was out of the  
14 country, and Billy Hirsch was my designee.

15 Q. Mr. Hirsch?

16 A. Yes.

17 Q. Okay. Is that the only instance?

18 A. Yes, sir.

19 Q. And I believe we have Mr. Hirsch's  
20 information. So then going down to the next person, I  
21 believe the person who served in your capacity as the  
22 director before you was William Stephens. Is that  
23 correct?

24 A. Yes, he was in my position prior to me.

25 Q. Okay. And according to the information we've

1 received, the first execution where he was present in  
2 the execution chamber is June 2nd, 2009. Do you believe  
3 that's correct?

4 A. I have no -- no reason to know that  
5 information. If it was provided in -- in documents,  
6 then I would say that the documents provided were  
7 correct.

8 Q. If I told you that it was in the information  
9 that was provided by your counsel in preparation for  
10 this deposition, the information that we'd asked from  
11 you, do you have any reason to doubt that?

12 A. No.

13 Q. Okay. I believe Mr. Stephens began employment  
14 June 1st, 1981. Do you have any reason to believe  
15 that's incorrect?

16 A. No.

17 Q. Now, we have not been provided the names of  
18 any people who served as the director prior to  
19 Mr. Stephens. Is the person who served in that position  
20 immediately before Mr. Stephens -- was that Mr. Thaler?

21 A. Yes.

22 Q. When did Mr. Thaler begin serving as the  
23 director?

24 A. I do not know those dates.

25 Q. When did Mr. Thaler first participate in the

1 execution chamber during an execution?

2 A. I do not know.

3 Q. And you understand that this is in the  
4 information that we've requested relevant to this case  
5 that we've asked you to disclose?

6 A. I understand that, but I do not have that list  
7 in front of me.

8 Q. And do you have access to that information in  
9 your office, in your capacity as the director?

10 A. Do I have access to what information?

11 Q. Currently, right now, I'm asking you when  
12 Mr. Thaler was first in the execution chamber.

13 A. I have no records of when Mr. Thaler was in  
14 the execution chamber.

15 Q. How far back do you have records of who was  
16 present in the execution chamber during an execution?

17 A. We don't keep records of who is present in the  
18 execution chamber during an execution.

19 Q. There is no written record of that?

20 A. Not to my knowledge.

21 Q. And you have no personal recollection?

22 A. No, sir, I do not.

23 Q. So, TDCJ, I suppose that there are -- I would  
24 assume there are a significant number of records kept  
25 for each execution. Is that correct?

1 A. There are records that are kept. It just  
2 depends on which one you're referring to.

3 Q. There are records kept about who visits the  
4 person both at the Polunsky Unit and at the Walls Unit.  
5 Is that -- is that correct?

6 A. I would have to see the -- the records that  
7 you're referring to.

8 Q. I'm just asking if those records exist. Do  
9 they exist?

10 A. I'm not sure.

11 Q. There are records of what the person who is  
12 executed's last words are. Are there not those records?

13 A. The offender's last words are -- are recorded.

14 Q. There are records related to the -- and I'm  
15 not going to ask any specifics, but are there records  
16 related to the drugs that are used during an execution,  
17 that are kept?

18 A. Are there records relating to the drugs?

19 Q. Yeah. I'm not asking you about the contents  
20 of those records, but are records kept about that?

21 A. Yes.

22 Q. So there are records that are kept related to  
23 executions?

24 A. Yes.

25 Q. But you do not believe there are records that



1 are kept listing the TDCJ personnel that were in the  
2 execution chamber at the time of the execution?

3 MS. O'LEARY: Objection. Asked and  
4 answered.

5 Q. (BY MR. NEWBERRY) You can answer the  
6 question.

7 A. No, there are not records kept for that.

8 Q. And so you do not know how many executions  
9 Mr. Thaler was present in the execution chamber for?

10 A. I do not know.

11 Q. I suppose the answer is the same for  
12 Mr. Quarterman?

13 A. The answer is the same.

14 Q. And Mr. Quarterman is the person who preceded  
15 Mr. Thaler as the director of the correctional  
16 institutions division. Is that correct?

17 A. I believe so.

18 Q. The next group of people who were disclosed to  
19 us were the people who were serving in the capacity of  
20 the Huntsville unit warden, I believe. Is it correct  
21 that Billy Lewis is the current warden at the Huntsville  
22 unit?

23 A. Yes.

24 Q. And his -- the first execution that he  
25 participated in was December 14th, 2018. Is that

1 correct?

2 A. I believe so.

3 Q. Since that time, has there been anyone  
4 designated to serve in his capacity in the execution  
5 chamber? In other words, in the time since his first  
6 execution on December 14th, has anyone else filled that  
7 position of the Huntsville unit chaplain or designee in  
8 the execution chamber?

9 A. No.

10 Q. And he's been present for every one of the  
11 executions that have occurred since December 14th, 2018?

12 A. I believe so.

13 Q. And I believe the person who was the  
14 Huntsville unit -- I'm sorry. I misspoke. Let me clear  
15 that up.

16 Billy Lewis is the Huntsville unit warden.

17 Is that correct?

18 A. Yes.

19 Q. I believe I said chaplain, but he's the  
20 warden?

21 A. He is the warden.

22 Q. And the person who was the warden before  
23 Mr. Lewis was James Jones. Is that correct?

24 A. Yes, sir.

25 Q. I believe that the first execution that he was

1 present for was October 31st, 2010. Is that correct?

2 A. I'm not sure. I don't know the specific date.

3 Q. Is that in the information that you provided  
4 us in preparation for this deposition?

5 A. It -- again, I don't have the list that you're  
6 referring to in front of me, but I have no reason to  
7 doubt the information that's provided on the list.

8 Q. Do you have any reason to doubt that Mr. Jones  
9 was first employed by TDCJ December 27th, 1984?

10 A. No.

11 Q. Turning next to the persons that fill that  
12 third spot in the execution chamber, and this would be  
13 the Huntsville unit chaplain or designated, approved  
14 TDCJ chaplain. And I believe the -- Chaplain Jones has  
15 been present in recent executions. Is that correct?

16 A. Yes.

17 Q. And he was, at one time, the Polunsky Unit  
18 chaplain. Is that correct?

19 A. I believe so.

20 Q. And the first execution that he was present  
21 for was November 12th, 2013?

22 A. I have no reason to doubt that, if it's from  
23 your list.

24 Q. So this is the document that we were provided  
25 by your counsel -- but I assume it was from you -- in

1 preparation for this deposition, related to Chaplain  
2 Jones, when we asked for information about people who  
3 have been present in the execution chamber. I will show  
4 you that.

5 Can you tell me when you've designated --  
6 when you use WSL, what does WSL mean?

7 A. This -- I don't know.

8 Q. Is this a document that was provided by your  
9 counsel as being responsive to requests for documents  
10 that we had given to you?

11 A. I assume, if that's what you're telling me.

12 Q. But you've not seen this document?

13 A. I have not looked at this document before.

14 Q. And you cannot tell me what WSL means?

15 A. I cannot.

16 Q. And you have no knowledge of this document?

17 A. I have not reviewed this document in  
18 preparation for this deposition.

19 Q. Do you have any idea what WSL might mean?

20 A. No, sir, I do not.

21 Q. If it was -- I mean, if the chaplain  
22 apparently meant that he was either in the death house  
23 or the death chamber or WSL, you do not know what that  
24 means?

25 A. I do not know what WSL means on this document.

1 Q. In what capacity might this chaplain have  
2 served during an execution, if not the death chamber or  
3 the death house?

4 A. What capacity? Could you state your question  
5 again, please?

6 Q. Yes. Based on the document, where there's  
7 been -- there's no key, I believe that DH likely means  
8 death house, DC likely means death chamber. So I assume  
9 this third column, which is not labeled, indicates the  
10 capacity in which he served during that execution.

11 Besides death chamber or death house,  
12 what -- in what other capacities do chaplains serve  
13 during an execution?

14 A. With the offender's family, with the  
15 condemned's family.

16 Q. And would that be in the hospitality house?

17 A. It could be at the hospitality house or it  
18 could be in the viewing room for the condemned at the  
19 time of the execution.

20 Q. And I'll get back to these questions in just a  
21 minute, but when a chaplain says he served in the death  
22 house, what is the death house?

23 A. What is the --

24 Q. Does death house -- when you and the chaplains  
25 and anyone involved in an execution procedure use the

1 term "death house," does that have a particular meaning?

2 A. It's the building in which we carry out the  
3 executions or where the offender is held prior to the  
4 execution.

5 Q. So it would include the holding cell where he  
6 is before --

7 A. Yes.

8 Q. -- he is taken to the execution chamber?

9 A. It's all in one building.

10 Q. And does the term "death house" -- would that  
11 also encompass the death chamber, or would that not be  
12 used when talking about the chamber?

13 A. The death house is the building in its  
14 entirety that has the execution chamber, the viewing  
15 rooms, and the holding area and the drug room.

16 Q. Okay. Now, another chaplain that we were  
17 given information about was Thomas Brouwer. Are you  
18 familiar with Chaplain Brouwer?

19 A. Yes, sir.

20 Q. Okay. I believe that the first execution that  
21 he participated in was February 28th, 2019. Do you have  
22 any reason to doubt that?

23 A. I do not.

24 Q. Do you know how many executions Mr. Brouwer  
25 has participated in?

1 A. I do not.

2 Q. Has he been in more than the one on  
3 February 28th, 2019?

4 A. I do not have that information.

5 Q. Have you been present at all the executions  
6 since February 28th, 2019?

7 A. Yes.

8 Q. But you do not recall whether or not  
9 Mr. Brouwer was present at any of those?

10 A. I do not.

11 Q. And you did not bring those records with you  
12 today?

13 A. I did not.

14 Q. We were also provided information about a  
15 Chaplain Moss. Are you familiar with Wayne Moss?

16 A. Yes.

17 Q. And he's the member of a witness support  
18 liaison team. Is that correct?

19 A. He is a member of the chaplaincy and would  
20 serve in that role.

21 Q. What does someone do who is -- serves in the  
22 role of witness support liaison team? What is that?

23 A. That's the team that supports the condemned  
24 and the condemned's family on the day of the execution.

25 Q. And how do they provide that support? What do

1 **they do?**

2 A. They answer questions for the -- the family.  
3 They accompany the family from the hospitality house to  
4 the condemned viewing room at the death house.

5 Q. And so the witness -- so someone who is a  
6 member of the witness support liaison team deals only  
7 with the person's family and not with the condemned  
8 inmate himself?

9 A. They may deal with the condemned inmate  
10 himself.

11 Q. And I believe Mr. Moss first began employment  
12 with TDCJ on May 2nd, 2013. Is that correct?

13 A. I have no reason to doubt that.

14 Q. And that the first execution he participated  
15 in was September 27th, 2018?

16 A. I have no reason to doubt that.

17 Q. The final chaplain that we've been given  
18 information about is David Collier. I believe the first  
19 execution he participated in was March 29th, 2007. Do  
20 you believe that's correct?

21 A. I have no reason to doubt that.

22 Q. And so as far as you know, that is correct?

23 A. If that's the information that was provided to  
24 you, I have no reason to doubt that.

25 Q. And do you have any reason to doubt that he



1 began working for TDCJ on December 5th, 2006 -- excuse  
2 me -- December 15th, 2006?

3 A. No, sir.

4 Q. And if those are correct, that would mean that  
5 he was employed by TDCJ for approximately three and a  
6 half months before first working in the execution  
7 chamber. Is that correct?

8 A. I'm sorry. Tell me the dates again?

9 Q. If his first execution was March 29th, 2007,  
10 and he began working for TDCJ on December 15th, 2006,  
11 would that mean he had been employed by TDCJ for three  
12 and a half months when he first served in the execution  
13 chamber?

14 A. I believe so, according to those dates that  
15 you've provided.

16 Q. Did you provide a declaration, a signed -- a  
17 sworn statement in this proceeding that I believe was  
18 signed by you on March 26th? Do you remember that  
19 declaration?

20 A. Could I see what you're referring to, please?

21 Q. Yes, you may. And it's preceded by an exhibit  
22 cover sheet that I assume the attorney working the case  
23 at that time prepared. You may recognize the cover  
24 sheet.

25 A. Yes, sir.

1 Q. You do recognize that statement?

2 A. Yes, sir.

3 Q. In that statement, did you say that you --  
4 when you personally select people to be in the execution  
5 chamber, it's important that they've served for many  
6 years with TDCJ?

7 A. Yes.

8 Q. Was Mr. Collier the only exception to this  
9 rule?

10 A. I was not the director during that time period  
11 that you're referring to.

12 Q. So you do not have any idea whether anyone  
13 besides Mr. Collier was permitted to serve in the  
14 execution chamber after only being employed by TDCJ for  
15 three and a half months or a comparable time period?

16 A. (No response).

17 Q. Do you know whether any person besides  
18 Mr. Collier was allowed to serve in the execution  
19 chamber after being employed by TDCJ for three and a  
20 half months or some comparable time period?

21 A. I do not have that information.

22 Q. Who would have that information?

23 A. I believe that you said it's been provided to  
24 you.

25 Q. Mr. Collier's name has, and his information.

1 Despite the fact that we've asked for this information  
2 going back to 1982, neither you nor any of the other  
3 defendants have provided that information to us.

4 So I'm asking you: Do you know who would  
5 have that information?

6 A. There are not records kept of who's present in  
7 the execution chamber.

8 Q. And there is no one employed by TDCJ who would  
9 have any recollection of this?

10 MS. O'LEARY: Objection. Calls for  
11 speculation.

12 Q. (BY MR. NEWBERRY) I'll clean up the question.

13 Do you know of anyone in TDCJ who knows  
14 this information?

15 A. No, sir.

16 Q. Also in that same statement, in addition to  
17 saying that in order to serve in the execution chamber,  
18 a person needs to have been employed for many years, you  
19 also said that the people that serve in the execution  
20 chamber go through extensive training. Is that correct?

21 A. Yes.

22 Q. What does this extensive training entail?

23 A. It entails going -- going through the process  
24 involved and the logistics involved of carrying out an  
25 execution.

1           Q.    And so if I was currently the Huntsville unit  
2 chaplain and you had designated me to be the person  
3 present at the next execution, whether it's July 31st or  
4 whatever the date is, what would I have to go through  
5 for you to demonstrate that to me? What would that  
6 process look like? Can you describe it in greater  
7 detail?

8           A.    It would involve going to the death house. It  
9 would involve conversations about the preparation and  
10 the execution and the timing and the totality of the  
11 events of the execution of that day, what your  
12 responsibilities are when you move, what's important,  
13 the details of -- of the process.

14          Q.    And how long would it take to go through that  
15 training?

16          A.    It would -- it would vary.

17          Q.    The last time you provided this type of  
18 training to a chaplain, how long did that take?

19          A.    I don't know that I can answer that. I  
20 believe that -- that -- I believe that it's a process,  
21 and I believe that you could consider training to be the  
22 totality of the time. You may come -- a chaplain may  
23 come and observe and serve in the death house before  
24 they are -- would have served in the execution chamber.  
25 And that -- that's different now because the protocol is

1 different now.

2 Q. Right. But let me clarify.

3 The specific procedure that you said that  
4 I would have to go through if you had designated me to  
5 be the chaplain at the July 31st execution, where you  
6 would -- you know, we would go through and you would  
7 explain exactly what's happening during an execution,  
8 that specific procedure that you said is the training I  
9 would have to get, how long would that take?

10 A. I think you're mischaracterizing the -- the  
11 training that it would take to -- to be in the chamber.  
12 It's not just that day that counts as you being prepared  
13 to participate in the execution process. So I don't --  
14 I disagree with the way that you're characterizing it or  
15 I don't understand it, one or the other.

16 Q. And it wasn't my intent to mischaracterize  
17 anything. Can you go back to my question, then?

18 If I was going to -- if you designated me  
19 to be the chaplain at the July 31st execution, can you  
20 tell me all of the training that would be entailed in  
21 this training you described in this document that you're  
22 looking at?

23 A. You would participate and have a familiarity  
24 with death row processes and death row offenders, and  
25 you would have that for a long time. There is no set

1 time that -- that would prepare you to then come and be  
2 a part of the execution process.

3 **Q. But it's fair to say that that could be**  
4 **accomplished in three and a half months?**

5 A. Absolutely.

6 **Q. Could it be accomplished in two months?**

7 A. It's very dependent on the person. It's  
8 dependent on their maturity level. It's dependent on  
9 their professionalism. It's dependent on their  
10 experience. And that's why the -- the basis is done on  
11 an individual basis.

12 **Q. Have you ever designated someone to**  
13 **participate in the execution chamber who you then**  
14 **determined would not be able to serve in that capacity?**

15 A. No.

16 **Q. So every person you have looked at has passed**  
17 **this training?**

18 A. Yes.

19 **Q. And you found them to be qualified?**

20 A. Yes.

21 **Q. Who is the last person that you found to be**  
22 **qualified to serve in the execution chamber?**

23 A. Bill Lewis.

24 **Q. And can you describe what you went through**  
25 **with him?**

1 A. What I went through with him?

2 Q. The training, when you went through and you  
3 explained to him what happens during an execution, this  
4 process.

5 A. Say the question again?

6 Q. The process where you explain what happens in  
7 an execution and that type of thing you said I would  
8 have to go through, was there a particular day or set of  
9 days when this happened with Bill Lewis?

10 A. It happened and occurred over a period of  
11 time.

12 Q. What is the reason why this training -- if  
13 there is a reason, why this training could not be given  
14 to someone who is not a TDCJ employee?

15 A. A person who's not a TDCJ employee, I -- I do  
16 not have the ability to assess them prior to their  
17 participation in the execution process. An execution is  
18 a very stressful and intense event. I have no way of  
19 knowing how a person that has never been exposed to  
20 that's going to react during that -- that process of the  
21 execution.

22 There are security protocols that are in  
23 place that maintain the integrity of the execution  
24 process and the execution chamber itself. The -- the  
25 risk to that person, to the condemned, to our staff, are

1 great in -- in that scenario, and I do not believe that  
2 you can predict how someone like that is going to react.

3 And the -- the other difference between a  
4 TDCJ employee, a TDCJ employee understands what our  
5 mission is and what our role is as required in the  
6 execution process. We're employed by the agency, and we  
7 understand what the mission is and what our role to that  
8 is. And a person from the outside is -- is not employed  
9 by the agency so may -- may not have the same level of  
10 professionalism and commitment to the mission as someone  
11 who's not.

12 **Q. I'm going to unpack some of that.**

13 **Even TDCJ employees, there is a time when**  
14 **they serve in the execution chamber that that is their**  
15 **first time and they've never served before, correct?**

16 **A. Correct.**

17 **Q. And so for Bill Lewis, the first time he was**  
18 **in the execution chamber was December 14th, 2018. Is**  
19 **that correct?**

20 **A. As far as I know.**

21 **Q. How were you able to know how he would react**  
22 **if he'd never been in that situation before**  
23 **December 14th, 2018?**

24 **A. I know his professional background. I know**  
25 **his professional commitment. I know his experience, his**



1 respect. I know that his work experience, he had  
2 previous -- he had previous work experience being  
3 assigned to the Walls Unit in different capacities, as  
4 well as different capacities of Region 1.

5 So he had been in -- involved in different  
6 parts of the execution process previously in his career.  
7 I have much respect for him as a correctional  
8 professional.

9 Q. But you talked about the -- being in the  
10 execution chamber being something that's different --

11 A. Yes.

12 Q. -- and being a more stressful situation. Is  
13 that correct?

14 A. An execution in its entirety is a stressful  
15 situation.

16 Q. And you specifically are worried that that  
17 person would react badly in the execution chamber if  
18 they'd never been there before?

19 A. It has to be a concern, absolutely.

20 Q. How did you know prior to December 14th, 2018,  
21 since he'd never been there before, how Bill Lewis would  
22 react?

23 A. Because I made a personal judgment, a  
24 consideration, based on his professionalism and his  
25 experience.

1           Q.    You talk about how you're able to assess  
2 people that are TDCJ employees. How do you do that?

3           A.    How do I assess them?

4           Q.    When I asked you why that -- why the same  
5 check or the same -- why you could not determine  
6 somebody who's not an employee is qualified to be in the  
7 execution chamber, when I asked you that, I believe you  
8 started your answer by saying you're not able to assess  
9 them the same way that you are able to assess a TDCJ  
10 employee.

11                       So what I want to know now is: What does  
12 that assessment look like when you're assessing these  
13 TDCJ employees? Can you explain that to me?

14           A.    It can be the -- the totality of that person.  
15 It can be my personal interaction with them, their  
16 demeanor, their tone, their professionalism, their  
17 commitment, their work history, my observation of how  
18 they conduct and carry themselves. All of those things  
19 can go in that together to be part of the consideration.

20           Q.    And you can interact with people that are not  
21 employees, right?

22           A.    I'm sorry?

23           Q.    You can have personal interaction with people  
24 that aren't TDCJ employees, can't you?

25           A.    Absolutely.

1           **Q.     And you can --**

2           A.     But it's very -- the situations in which you  
3 interact with them is different in a professional  
4 setting, in a setting that is -- is not part of the --  
5 the work environment.

6           **Q.     But if someone came to you as a non-TDCJ**  
7 **employee, but as someone who was applying, if you will,**  
8 **to be someone to serve in an execution chamber, that**  
9 **would still be in a professional capacity, would it not?**

10          A.     I don't think that -- I don't think that it --  
11 that is. I don't -- I don't see that as the same thing.

12          **Q.     I don't --**

13          A.     They're not employed by the agency, and the  
14 policy doesn't allow -- there wouldn't be an assessment  
15 now, because the policy doesn't allow for them to be in  
16 the chamber.

17          **Q.     Yes. But pre-April 2nd, pre-April 2nd, what**  
18 **would stop you from assessing a non-employee's work**  
19 **history?**

20          A.     What would stop me?

21          **Q.     Well, why could you not assess his work**  
22 **history?**

23          A.     It's not the same level of access or  
24 knowledge.

25          **Q.     When TDCJ employs anyone, do they look into**

1 that person's work history?

2 A. Yes.

3 Q. And so there's a process by which they do  
4 that?

5 A. Yes.

6 Q. And I assume that's a thorough process?

7 A. I believe it to be.

8 Q. And if there was anything that would cause any  
9 concern in that person's work history, I assume you  
10 wouldn't hire them?

11 A. I think that's probably a fair statement.

12 Q. So it's fair to say TDCJ has processes in  
13 place by which you can assess someone's work history?

14 A. Yes.

15 Q. What kind of background check is conducted on  
16 people who are allowed to visit units as a spiritual  
17 advisor? And I mean not in the execution chamber, but  
18 just on the units. Like, say I was a person who wanted  
19 to visit someone who was on death row at the Polunsky  
20 Unit as their spiritual advisor. What kind of check  
21 would be done on my background?

22 A. You have to provide a letter of credentials  
23 from the religious affiliation. There's not a  
24 background check, in the sense of a criminal history  
25 check that's done for employees. So it's two separate

1 things.

2 Q. What kind of check is done, or is there a  
3 criminal history check done, by Access to Courts when I  
4 send paperwork for interns to visit as my  
5 representatives at different TDCJ units?

6 A. I'm not sure.

7 Q. Are you familiar with the Access to Courts  
8 forms that I would fill out to have an intern approved  
9 to visit as my representative? It's an I-164.

10 A. I am not familiar with that form.

11 Q. Would it surprise you if I told you that that  
12 form specifically asks about my criminal history?

13 A. I am not familiar with that form.

14 Q. So you do not know whether Access to Courts  
15 has processes by which they are able to look at  
16 criminal -- people's -- a person's criminal history?

17 A. I do not have that answer for you.

18 Q. But you are telling me that someone to visit  
19 as a spiritual advisor is not subjected to any criminal  
20 history check?

21 A. In the capacity of a spiritual advisor, is  
22 not -- does not have to have a criminal history check to  
23 be a spiritual advisor.

24 Q. What office looks at someone's credentials and  
25 approves them? Is that -- is there a central office that

1 does that for all the units, or is that done on a  
2 unit-by-unit basis?

3 A. It's the rehabilitation division.

4 Q. Is that associated with the chaplaincy  
5 department or --

6 A. Yes.

7 Q. And who would be in charge of that process,  
8 currently?

9 A. I am not -- Rene Hinojosa is the division  
10 director for the rehabilitation division.

11 Q. And so Rene Hinojosa is the person in charge  
12 of the rehabilitation division, and that's the division  
13 that determines whether or not someone is qualified to  
14 visit a unit as a spiritual advisor?

15 A. Yes.

16 Q. And so if there is any information about  
17 whether criminal history checks are conducted on these  
18 individuals, Mr. Hinojosa would know? Is it  
19 Mr. Hinojosa? Ms. Hinojosa?

20 A. Mr.

21 Q. Mr. Hinojosa would be the one to know that?

22 A. Spiritual advisors fall under the purview of  
23 the rehabilitation division.

24 Q. What kind of check would he do on a person's  
25 credentials? How would he know that my credentials are

1 **legitimate and I have not just forged them?**

2 A. I don't believe that I'm in a position to  
3 answer that.

4 **Q. Would you assume that there is some process?**

5 A. It is -- I know that the spiritual advisors,  
6 according to the policy, have to provide some type of  
7 credentials that are reviewed by staff in the  
8 rehabilitation division. They are responsible for that  
9 process. It is not under my purview.

10 **Q. But you would not expect that the people at**  
11 **the rehabilitation division would admit somebody in that**  
12 **capacity without following up and checking on their**  
13 **credentials. Would you expect that would happen?**

14 A. I would expect that they would follow the  
15 agency's policy, yes, sir.

16 **Q. But you're not familiar exactly with what**  
17 **those policies are?**

18 A. I do not know how they execute that policy.

19 **Q. In your statement there, which is the**  
20 **statement that you gave on March 26th, 2019 -- which,**  
21 **before we go any further, I'd like to go ahead and mark**  
22 **for purposes of this deposition as Exhibit 1.**

23 **And I know I've asked you this question**  
24 **before, but now that I'm in the process of marking this**  
25 **exhibit, you are familiar with this statement, again,**

1 the statement that you're looking at there?

2 A. Yes.

3 Q. And it's a statement that you gave on

4 March 26th, 2019?

5 A. I believe so.

6 Q. A sworn statement?

7 A. Yes, sir.

8 Q. And it's a true and correct copy of the

9 original that you signed that day?

10 A. I believe so.

11 Q. Okay. I'm going to go ahead and mark that as  
12 Exhibit 1, just so we know what I'm talking about in  
13 this deposition. I'm going to stick this sticker on it,  
14 Ms. Davis, and return it to you.

15 (Marked Davis Exhibit No. 1.)

16 Q. (BY MR. NEWBERRY) In this statement -- I  
17 believe it's on Page 2 -- you wrote: "If there is any  
18 sign that a person involved is losing the necessary  
19 mental fortitude, then I will not permit them to  
20 participate in future executions."

21 A. I'm sorry. What paragraph are you in?

22 Q. I can find it for you. I'm not sure what the  
23 paragraph number is, but I can find it. Yeah, it's  
24 going to be in the first paragraph, and I'm talking  
25 about the one that's just a partial paragraph there at



1 the top of that page.

2 MS. O'LEARY: Jeff, did you bring copies  
3 of the exhibits that you're using?

4 MR. NEWBERRY: No.

5 MS. O'LEARY: Okay.

6 MR. NEWBERRY: But this is all -- this is  
7 material that was entered by Mr. Ottoway, and you guys  
8 entered this into the record on March 26th.

9 MS. O'LEARY: But you didn't bring copies  
10 for purposes of this deposition?

11 MR. NEWBERRY: I did not bring that one.

12 MS. O'LEARY: Is the original that you're  
13 going to be handing to the court reporter?

14 MR. NEWBERRY: Yeah.

15 MS. O'LEARY: Okay.

16 MR. NEWBERRY: And there's nothing that I  
17 have with me today that is not a document that came from  
18 you.

19 Q. (BY MR. NEWBERRY) Do you see in the top  
20 paragraph there where it says: "If there is any sign  
21 that a person involved is losing the necessary mental  
22 fortitude, then I will not permit them to participate in  
23 future executions"?

24 A. Yes.

25 Q. How many people have you found to be losing

1 the necessary mental fortitude?

2 A. None.

3 Q. And so no one has not been allowed to  
4 participate in future executions for this reason, at  
5 least while you've been the director?

6 A. Not to my knowledge.

7 Q. And has there been anyone that you've  
8 investigated to determine whether they were qualified to  
9 be in the chamber but you subsequently determined they  
10 were not allowed to be there?

11 MS. O'LEARY: Objection. Assumes facts  
12 not in evidence and mischaracterizes the process that  
13 she's explained to you.

14 Q. (BY MR. NEWBERRY) Has there been any person  
15 that you've considered to be in the execution chamber  
16 and then subsequently decided not to permit them to be  
17 in the execution chamber?

18 A. No.

19 Q. I'm going to talk about instances --

20 THE WITNESS: I need to take a break,  
21 please.

22 MR. NEWBERRY: Sure.

23 (Break from 9:46 a.m. to 9:56 a.m.)

24 Q. (BY MR. NEWBERRY) Ms. Davis, I just have a  
25 few more areas that I want to explore. I do want to

1 clarify one thing from the topics that I've already  
2 asked you about, which is on the people who have been in  
3 the execution chamber.

4 You said that there are no records kept on  
5 that. Are you certain that there are no records kept of  
6 the people that have served in the execution chamber, or  
7 is it just a matter that you do not have any personal  
8 knowledge of these records?

9 A. I do not have personal knowledge of any  
10 records being kept.

11 Q. So it is possible that these records do exist?

12 A. If someone is keeping records, they're doing  
13 it without my knowledge and they're doing it from a  
14 personal standpoint or -- we don't keep records of who's  
15 in the execution chamber, my office.

16 Q. Just to follow up on that, is there an office  
17 within TDCJ that might?

18 A. Not that I know of.

19 Q. But, again, is that a possibility and you just  
20 don't have personal knowledge of it, or are you telling  
21 me that it is not possible?

22 A. I do not have knowledge of records being kept  
23 for the execution chamber.

24 Q. The next area I want to talk about is whether  
25 or not you've witnessed instances of assault. So can

1 you tell me any instances in which someone during the --  
2 in the execution chamber during an execution has  
3 assaulted any other person?

4 A. We have -- we have had incidents where  
5 victims -- or excuse me -- where the condemned witnesses  
6 have become combative and aggressive during an  
7 execution.

8 Q. Are you referring to Mr. Coble's family?

9 A. Yes.

10 Q. Were they in the execution chamber?

11 A. No. They were in the condemned witness room.

12 Q. Right now, I'm asking about the execution  
13 chamber, and I will ask about witness rooms in a minute.  
14 But are you aware of any times during an execution when  
15 someone in the execution chamber assaulted anyone --

16 A. Texas --

17 Q. -- during an execution?

18 A. I'm sorry?

19 Q. During an execution.

20 A. In Texas, we have been successful in  
21 minimizing the disruptions and the distractions and any  
22 aggression in the execution chamber because we have  
23 stayed true to our best correctional practices and our  
24 policies, and we've minimized the opportunity for any of  
25 those things to happen. And so we've been able to

1 prevent or deter any such event in the actual execution  
2 chamber.

3 Q. And have there been any instances where  
4 someone in the execution chamber has tried to gain  
5 access to the drug team?

6 A. I'm sorry. Say it again?

7 Q. Have there been any instances during an  
8 execution when someone in the execution chamber has  
9 attempted to gain access to the drug team?

10 A. No, because, again, Texas, we have protocols.  
11 Those people are -- are chosen to be there, and, no,  
12 we've not had any incidents where somebody has broken a  
13 protocol and -- and tried to do that. We -- we have  
14 sound correctional practices that we continue to go back  
15 to that are -- have been tested and perfected, and we  
16 stay true to those practices so that we minimize any  
17 opportunity for disruption or distractions.

18 Q. Has there been any instance where anyone in  
19 the execution chamber, during an execution, has taunted  
20 the victim's family?

21 A. Say it one more time?

22 Q. Are there any instances -- have there been any  
23 instances where someone in the execution chamber, during  
24 an execution, taunted the witness's family -- the  
25 victim's family? Excuse me.

1 A. The condemned, yes.

2 Q. And besides the one instance that was revealed  
3 to me today in the objections I received, which would be  
4 Mr. Ramiro Hernandez-Llanas, are you aware of any other  
5 instances of that happening?

6 A. You know, I think -- I think that -- I think  
7 that that's a specific case of the condemned taunting,  
8 and I -- but I also believe that the condemned's final  
9 words and what the victims hear, the victims may  
10 interpret what a condemned says as taunting and -- and  
11 aggressive and offensive, but that's from the  
12 perspective of the victim.

13 Q. Have there been any instances where any  
14 clerical person -- I'm talking about spiritual advisor  
15 witnesses -- in the witness rooms have caused any  
16 disruptions during an execution?

17 A. Can you restate your question so I can make  
18 sure I understand what you're asking?

19 Q. I know earlier you were talking about  
20 Mr. Coble's family.

21 A. Yes.

22 Q. But this question, I'm asking you specifically  
23 about any clerical persons who were witnesses, and I  
24 would assume that these would be the condemned person's  
25 spiritual advisor.

1                   **Are you aware of any instances where a**  
2 **person in that capacity, during an execution, assaulted**  
3 **any other person?**

4           A.     In the condemned's witness room?

5           **Q.     Yes.**

6           A.     No, sir.

7           **Q.     Are you aware of any instances when such a**  
8 **person -- and, again, I'm talking about a clerical**  
9 **person in the condemned's witness room -- has attempted**  
10 **to gain access to the drug team?**

11          A.     The -- the condemned's witness room, those  
12 people that are in the condemned witness room, we have  
13 custody staff, we have TDCJ staff, we have law  
14 enforcement officers, our office of the inspector  
15 general. We have the chaplaincy representative. We  
16 keep many agency representatives with -- with that group  
17 of people that are the condemned witnesses.

18                   And we go to great lengths to make sure  
19 that they are kept separate and apart from anybody else  
20 that's participating or assisting with the execution  
21 process so that, again, we use a best correctional  
22 practice to make sure that we minimize the opportunity  
23 for them to -- to create any such disruption.

24           **Q.     And so then there have been a lot of people**  
25 **who could have witnessed this happening. And so are you**

1 aware of anyone witnessing a clerical person in the  
2 condemned person's witness room attempting to gain  
3 access to the drug team?

4 A. No, sir.

5 Q. Are you aware of any instances of a clerical  
6 person and the condemned person's witness room taunting  
7 the victim's family?

8 A. Say your question again?

9 Q. I'm still asking about clerical persons or  
10 spiritual advisors in the condemned person's witness  
11 room. Have you ever witnessed or are you aware of any  
12 such person taunting the victim's family during an  
13 execution?

14 A. Because of our processes and the extents that  
15 we go to, to keep the condemned's witnesses and the  
16 victim's witnesses separate, we've minimized the  
17 opportunity for that to occur.

18 Q. And in a similar way, is it true that persons  
19 in the execution chamber are walled off or in a  
20 different location than the victim's family?

21 A. The victim's family can see into the execution  
22 chamber, so they can see who's in the execution chamber,  
23 as -- as do the condemned witnesses.

24 Q. But my question is: You talked about how your  
25 procedures are set up to where the condemned person's



1 witnesses are in a separate room --

2 A. Yes.

3 Q. -- and that minimizes opportunities to taunt.

4 Isn't it also true that the execution chamber and the  
5 victim's witnesses' room are separate rooms?

6 A. The execution chamber, the victim's witness  
7 room, and the condemned witness room are three separate  
8 rooms.

9 Q. And so then my question is: How would there  
10 be a greater opportunity to taunt the victim's family  
11 from the execution chamber than there would be from the  
12 condemned person's witness room?

13 A. I'm sorry. State your question again?

14 Q. If I'm understanding your answers correctly --  
15 and let me know if I'm not -- I believe you're saying  
16 that there's a higher likelihood that someone in the  
17 execution chamber would taunt the victim's family, their  
18 witnesses.

19 MS. O'LEARY: Objection. Misstates the  
20 testimony.

21 Q. (BY MR. NEWBERRY) I'm merely asking if you're  
22 understanding -- if I'm understanding correctly. So my  
23 question, Ms. Davis, is: Am I stating your testimony  
24 correctly? And -- and that question once again is: I  
25 understand you to be saying -- and, again, please tell

1 me if this is wrong. That's the point of this question.

2 I understand you to be saying that there  
3 is greater opportunity to taunt the victim's family from  
4 inside the execution chamber than there is in the  
5 condemned person's witness room. Is that what you were  
6 saying? Am I misunderstanding now?

7 A. I believe that you're misunderstanding. The  
8 opportunity to taunt the victims, I believe, exists  
9 anywhere in that -- in those two areas.

10 Q. So what is it -- you talked about how the  
11 condemned person's witness room, the reason that there  
12 aren't instances of taunting, did I understand you  
13 correctly to say it's because there are things in place,  
14 including keeping them walled off from the victim's  
15 witnesses? Did I misunderstand what you said?

16 A. We -- we try -- we have protocols so that we  
17 keep the condemned witnesses separate from the victim's  
18 witnesses. Once they're secured in that room, in the  
19 condemned witness room, then even though they can't see  
20 the -- the victim's witnesses, they could still become  
21 disruptive in that area.

22 Q. So the condemned witnesses could still become  
23 disruptive?

24 A. Yes.

25 Q. But you're not aware of any such disruption

1 from a clerical person in that room?

2 A. From a clerical person in that room?

3 Q. Yes.

4 A. No, sir.

5 Q. And is it true that the -- you talked about it  
6 being walled off. Is it true that the execution chamber  
7 is similarly walled off from the victim's witnesses'  
8 room?

9 A. The infrastructure of the space is equitable.

10 Q. Are you aware of any person who was a clerical  
11 witness in the condemned person's room attempting to  
12 gain access to the drug lines and remove them from the  
13 person?

14 A. Say it one more time?

15 Q. I'm, again, asking about clerical persons or  
16 witnesses in the condemned witness room. I'm still  
17 asking about that group of people.

18 Are you aware of any instances of any such  
19 person attempting to remove the intravenous drug lines  
20 from the condemned person?

21 A. If they are in the condemned witness room,  
22 they are not in the chamber, so they could not reach the  
23 drug lines.

24 Q. So you're not aware of that happening?

25 A. No.

1           **Q. In the death house, outside the death chamber,**  
2 **are you aware of any instances of a clerical person**  
3 **visiting any inmate at the holding cell outside the**  
4 **execution chamber where they attempted to gain access to**  
5 **the drug team, any such person visiting the person in**  
6 **the holding cell?**

7           A. We have protocols and processes in place to  
8 move that spiritual witness -- as I -- as I understand  
9 it, you're talking about the spiritual witness visiting  
10 the offender in the holding area. Is that correct?

11           **Q. Yes. What are those processes?**

12           A. We make sure that the area is secure and that  
13 the spiritual witness is taken back to the holding area,  
14 obviously under security escort, and their visit is --  
15 is watched and supervised by correctional custody staff  
16 to make sure that everything is fine and secure and we  
17 minimize any opportunity for disruption or distraction  
18 for the -- the process. And then the spiritual advisor  
19 is escorted back out of the -- the death house, out of  
20 the facility.

21           **Q. Are those same security staff that keep an eye**  
22 **on the spiritual advisor from, I guess, 3:00 to 4:00 --**  
23 **are they still present from, say, 4:00 to 6:00 p.m. that**  
24 **day?**

25           A. Yes.

1 Q. So they are still present in the death house  
2 area?

3 A. Yes.

4 Q. And can I ask: What is the reason why  
5 spiritual advisors are only allowed to visit between  
6 3:00 and 4:00 p.m.?

7 A. Well, the spiritual advisors are allowed to  
8 visit with the condemned offender in -- more than just  
9 3:00 to 4:00 p.m. The spiritual advisors begin to get  
10 special or extra visits up to 30 days out.

11 In the three days prior to the execution  
12 or the two and a half days, the offender has the ability  
13 to visit with his spiritual advisor as much as he  
14 chooses during normal working business hours. The  
15 condemned can choose to spend all of his time leading up  
16 to his execution with his spiritual advisor, if he so --  
17 so choses to do so.

18 Q. And I should actually clarify my question,  
19 because I am aware that -- I believe it's for -- two and  
20 a half days or so before an execution, that there is a  
21 lot of visitation. In fact, there are certain rooms at  
22 the Polunsky Unit that are ordinarily attorney rooms  
23 that are reserved off for that purpose.

24 But what I meant to ask is: Once the  
25 inmate is moved to the Walls Unit -- which, I believe,

1 happens early in the afternoon of the execution -- why  
2 is it necessary to limit his visit with his spiritual  
3 advisor to the one-hour window of 3:00 to 4:00 p.m.?

4 A. We have to begin -- we have to prepare the --  
5 the execution area. We have to prepare the offender for  
6 the execution. And that takes time. We have to feed  
7 him his last meal. There's many secular tasks that are  
8 done. There are phone calls that are facilitated. The  
9 offender may have people that he still wants to talk to,  
10 so we provide that opportunity.

11 We provide him the opportunity to shower  
12 and to dress for the execution. We have to prepare the  
13 area, the chamber, and -- and the drugs. We have to get  
14 everything ready to be able to -- to complete the  
15 execution if it moves forward.

16 Q. On March 28th, 2019, the day Mr. Murphy was  
17 scheduled to be executed, did you visit the death house  
18 prior to -- well, I assume you were there by -- when did  
19 you arrive at the death house that day, on March 28th,  
20 2019?

21 A. At the death house?

22 Q. Yes.

23 A. I did not personally go to the death house  
24 that day.

25 Q. So you're not aware of anything that would

1 have happened in the holding cell or outside of the  
2 holding cell that afternoon?

3 A. Not that comes to mind right now.

4 Q. With any prior -- I mean, when you say "not  
5 that comes to mind right now" -- I'm sorry -- are you  
6 saying that it's possible that you were in that holding  
7 cell area that afternoon?

8 A. No, I was not there.

9 Q. Okay. In any previous executions, have you  
10 visited the holding cell area the afternoon that -- of a  
11 scheduled execution?

12 A. I do not personally go to the holding area  
13 prior to the execution.

14 Q. What persons do?

15 A. The TDC chaplain is there, as well as our  
16 custody staff. The warden goes and -- and speaks with  
17 the condemned, as well as the public information  
18 officer.

19 Q. And who -- who controls the access to that  
20 holding cell area? Who makes the decisions as to who's  
21 allowed to be there?

22 A. Warden Lewis and our established protocol that  
23 I just said to you.

24 Q. Okay. And are there records kept of who all  
25 is in the holding cell area on the afternoon of the

1 execution?

2 A. No.

3 Q. And that is true even of spiritual advisor  
4 visits?

5 A. I'm not sure.

6 Q. But you have no knowledge of any records of  
7 people who are in the holding -- allowed to visit the  
8 holding cell area?

9 A. I have no knowledge.

10 Q. Is it possible that more than one TDCJ  
11 chaplain would be present in the holding cell area the  
12 afternoon of an execution?

13 A. It's possible, yes, sir.

14 Q. Is it possible there could be as many as four?

15 A. It's possible.

16 Q. So if Mr. Murphy told me that on the afternoon  
17 of his execution, there were four TDCJ chaplains there,  
18 you do not know that that's incorrect?

19 A. I'm sorry?

20 Q. So if Mr. Murphy told me that there were four  
21 TDCJ chaplains there that afternoon in the holding cell  
22 area, do you have any reason to think that is incorrect?

23 A. No, sir.

24 Q. Would that be uncommon for there to be four  
25 TDCJ chaplains?



1 A. That would not be uncommon.

2 **Q. And would they be allowed to stay in that area**  
3 **after 4:00 p.m.?**

4 A. They are in the area because they perform  
5 many -- many tasks for us. They perform the  
6 facilitation of the phone calls. They're there to  
7 provide comfort to the offender. They -- they answer  
8 any questions that they may -- may have. If the  
9 offender needs something out of his property, they may  
10 go and get something out of the offender's property.  
11 They could, again, answer any questions, just provide a  
12 calming, soothing presence to that offender.

13 **Q. And could they also provide religious**  
14 **instruction to that offender during that time?**

15 A. I don't understand what you mean by "religious  
16 instruction."

17 **Q. Do you think it's possible that they might**  
18 **also talk about what someone would need to do to prepare**  
19 **himself to enter into Heaven, as that term is used in**  
20 **the Christian religion?**

21 A. They are not there specifically to perform a  
22 spiritual process, as -- as you're describing it to me.  
23 The offender may ask them anything that the offender  
24 wants to, and the chaplains are going to respond with  
25 the compassion and dignity that you would to any human

1 being.

2 Q. Are you then saying that a chaplain would  
3 never initiate a conversation with the inmate without  
4 being asked a question?

5 A. I don't know that I'm in a position to -- to  
6 answer that the way that -- that you ask it. I don't --  
7 I don't understand.

8 Q. I know the TDCJ enters into contracts with  
9 Jewish chaplains and Native American chaplains. Would a  
10 Jewish chaplain who is in a contractual arrangement with  
11 TDCJ -- would he be permitted to be in the holding cell  
12 area after 4:00 p.m.?

13 A. Possibly, yes.

14 Q. Has that ever happened?

15 A. Not to my knowledge.

16 Q. He would be allowed to be in that area even  
17 though he was not an employee?

18 MS. O'LEARY: Objection. Assumes facts  
19 not in evidence.

20 A. I don't think I --

21 Q. (BY MR. NEWBERRY) Okay. These chaplains that  
22 we're talking about that your website says you enter  
23 into contractual agreements with to provide services,  
24 are they TDCJ employees or are they independent  
25 contractors?

1           A.    I don't -- that seems a very technical term.  
2 I don't -- to me, they're an employee. We contract with  
3 them. We -- we have an agreement with them. So I  
4 don't -- I don't know that I understand how to answer  
5 your question.

6           **Q.    How does any background check that you do with**  
7 **these people you contract with -- how does that compare**  
8 **to people that you employ?**

9           A.    A contract employee goes through the same  
10 background check process as a regular employee.

11          **Q.    But with a contract employee, do you have the**  
12 **same access to assess their performance as you would a**  
13 **regular employee?**

14          A.    Yes, because they work in our institutions.

15          **Q.    These Jewish chaplains, do you know -- well,**  
16 **first of all, how many are -- Jewish chaplains are there**  
17 **that are in a contractual agreement -- a contractual**  
18 **arrangement with TDCJ?**

19          A.    I don't have that information.

20          **Q.    Do you have information related to how many**  
21 **hours per week they work?**

22          A.    I do not.

23          **Q.    Do you know who would have that information?**

24          A.    The rehabilitation division.

25          **Q.    And that would be Mr. Hinojosa?**

1 A. Mr. Hinojosa.

2 Q. Okay. And I assume, but let me just ask:  
3 Would it also be possible for one of these Native  
4 American chaplains that TDCJ enters into a contractual  
5 agreement with to be present in the holding cell area  
6 after 4:00?

7 A. I would say that it would -- could be  
8 possible.

9 Q. And then --

10 A. They, to my knowledge, have not been, ever.

11 Q. But there is no TDCJ policy that would  
12 prohibit them from being in that area after 4:00 p.m.  
13 Is that correct?

14 A. They would have to go through the same  
15 consideration process as -- as anyone else to be a part  
16 of the execution team.

17 Q. And it is possible for these people who are --  
18 work with TDCJ on a contract basis to go through that  
19 process?

20 A. I just am unfamiliar with -- with that. I  
21 just don't know that we've ever had anybody in that  
22 role, as a contract employee, go through that process.

23 Q. But you're unaware of any reason why they  
24 could not go through that process. Is that correct?

25 A. I'm unaware.

1 Q. And shifting -- I know I've got a policy --  
2 and I don't believe I brought a copy of it with me, but  
3 a policy that pertains to the handful of Muslim  
4 chaplains that are employed, and I understand they're  
5 employed by TDCJ. Is that correct?

6 A. We do have Muslim chaplains.

7 Q. Okay. And they're employees and they're not  
8 contractors, right?

9 A. As I understand it. I'm not sure.

10 Q. Would it be possible for one of them to be  
11 present in the holding cell area after 4:00 p.m.?

12 A. The people that are present in the holding  
13 cell area go through the -- the consideration process to  
14 be a part of the execution team. And so we wouldn't  
15 randomly start picking people to be a part of -- of that  
16 and be in the execution holding area.

17 Q. I want to talk to you now about how changes  
18 are made to the execution protocol, and I think maybe it  
19 might be easier to start with the most recent change  
20 that was made. So I want to talk to you about the  
21 April 2nd amendment to the execution procedure document.

22 MR. NEWBERRY: I'm going to go ahead and  
23 mark what I'm holding as Exhibit 2.

24 (Marked Davis Exhibit No. 2.)

25 Q. (BY MR. NEWBERRY) And then I'm going to hand

1 it to you, Ms. Davis.

2 MS. O'LEARY: You don't have any copies  
3 for counsel, Jeff?

4 MR. NEWBERRY: No.

5 MS. O'LEARY: All right.

6 MR. NEWBERRY: But as I said before,  
7 these are documents that I got from you, Ms. O'Leary.

8 MS. O'LEARY: Right. But you're supposed  
9 to bring copies for counsel, just like at trial.

10 May I see this, Ms. Davis --

11 THE WITNESS: Yes.

12 MS. O'LEARY: -- and then I'll hand it  
13 back to you.

14 Q. (BY MR. NEWBERRY) Do you recognize that  
15 document, Ms. Davis?

16 A. Yes.

17 Q. Okay. And what is it?

18 A. It is the execution procedure.

19 Q. And is it the April 2nd, 2019, version of the  
20 execution procedures you're talking about?

21 A. Yes, sir.

22 Q. And that first page, is that an affidavit from  
23 you?

24 A. This?

25 Q. Uh-huh.

1 A. Yes, sir.

2 Q. And what does that affidavit -- what is the  
3 point of that affidavit? In that affidavit, are you  
4 promising that is an accurate copy of the April 2nd  
5 execution procedure?

6 A. Yes, it's a true and correct copy of the  
7 execution procedure.

8 Q. Now, when -- who made the decision to amend  
9 the execution procedures in a way that resulted in the  
10 document that you're looking at there, which is  
11 Exhibit 2?

12 MS. O'LEARY: And I'll assert the  
13 attorney-client privilege and instruct you not to talk  
14 about anything that you discussed with counsel with  
15 regard to that -- in response to that question. If  
16 there's a part of the question you can answer that is  
17 not an attorney-client communication --

18 Q. (BY MR. NEWBERRY) If you are aware of who  
19 made the decision to change that document before  
20 speaking with Ms. O'Leary, can you tell me -- or excuse  
21 me -- your counsel, can you please tell me who was  
22 involved in that decision?

23 A. I made the decision to change the execution  
24 procedures as a result of the -- I don't know what legal  
25 term you use, but as a result of the Supreme Court's

1 ruling that we received the night of Murphy's stay. And  
2 as a result of it, I made the decision to -- to change  
3 the execution procedures.

4 Q. And when did you make that decision?

5 A. April the 2nd.

6 Q. And so you were able to make the -- from the  
7 time you made the decision until the time the new  
8 procedure was adopted, that was all -- that all  
9 transpired within one day?

10 A. I don't remember the exact dates that -- the  
11 date that it was finalized and that I signed the new  
12 procedure is April the 2nd.

13 Q. Well, that document purports to have been  
14 signed April 2nd. Is that correct?

15 A. Yes.

16 Q. Okay. And did you -- all I'm trying to ask --  
17 all I'm trying to clear up is: Did you make the  
18 decision to make the change before that date? That's  
19 all I'm trying to clear up.

20 A. I don't -- I don't understand the question  
21 that you're asking.

22 Q. Yeah. So the -- you told me that you made the  
23 decision to make the change, and my question is: Did  
24 that decision -- when you first decided you were going  
25 to change the execution procedures document, did you



1 **decide that on April 2nd or at some point before that?**

2 A. I believe that -- that I reviewed and  
3 considered the best way that I felt like we could  
4 accomplish what the directive that we received from the  
5 Supreme Court was and went through the process and  
6 updated the procedures and made the final signature on  
7 April the 2nd.

8 **Q. Is there any kind of oversight committee that**  
9 **you have to consult with before you can make a change**  
10 **like that?**

11 A. I discussed the change orally with  
12 Mr. Collier, my supervisor.

13 **Q. Was anyone, any other TDCJ or government**  
14 **employee, involved in that discussion to make the**  
15 **change?**

16 **MS. O'LEARY:** And under the  
17 attorney-client privilege, I'll again instruct you not  
18 to discuss conversations with counsel.

19 **Q. (BY MR. NEWBERRY)** Besides counsel, which I'm  
20 not intending to ask you about, were there any other  
21 people -- again, who weren't your attorneys -- who you  
22 consulted with about this decision?

23 A. There was no one else other than the attorney,  
24 Ms. Howell.

25 **Q. Did you have to seek permission from any**

1 congressional oversight committee to make these changes?

2 A. I did not. I discussed it with Mr. Collier  
3 and the attorney, Ms. Howell.

4 Q. Are there any rules in place that prevent you  
5 from making a change like this within two weeks of a  
6 scheduled execution?

7 A. I'm sorry?

8 Q. If there was an execution scheduled for two  
9 weeks from today, is there any rule that would prevent  
10 you from, today, changing that execution procedure  
11 document?

12 A. Not to my knowledge.

13 Q. Let me ask a tighter time frame. If there was  
14 an execution scheduled for two days from today, is there  
15 any rule that would prevent you from making a change to  
16 the execution procedure document today?

17 A. I don't -- I don't know of a rule that would  
18 prevent it. I can tell you that -- as a correctional  
19 professional, that that wouldn't occur. I would have no  
20 reason -- I don't see a reason to change the execution  
21 procedures. They're not changed that often, because  
22 they've been tested. It works. It's a process that  
23 works. We've been able to use best correctional  
24 practices.

25 And so I don't -- I don't see where I

1 would just up and change a procedure that has to do with  
2 executions, in your example, two days before an  
3 execution. That's not -- that's just not something that  
4 I believe that -- that we would do.

5 **Q. And so as a correctional professional, then,**  
6 **what is the minimum number of days before an execution**  
7 **that you would see it -- that you would think it's**  
8 **permissible for you to make changes to the document?**

9 A. There's no need to make changes to the  
10 document.

11 **Q. But there has been need to make changes to the**  
12 **document in the immediate past, right?**

13 A. On this day, as a result of the Supreme Court  
14 ruling. But there's not a need to change the procedure  
15 if there's not an impetus for that change.

16 **Q. And I'm not meaning to suggest you would make**  
17 **a change to the document unless you thought there was a**  
18 **reason to do so.**

19 **All I'm trying to establish is: Is there**  
20 **a set amount of time before an execution before which,**  
21 **even if it was for a good reason, you would not make a**  
22 **change to the execution because it was too close to a**  
23 **scheduled execution?**

24 A. It depends on what the impetus was.

25 **Q. But there's no rules that would prevent you**

1 from making a change immediately before an execution if  
2 you thought there was good reason to do so, which I know  
3 is the only reason you would make changes?

4 A. It is my understanding there is not a rule  
5 that -- that tells me how far away from an execution I  
6 can make a change.

7 Q. Okay.

8 A. I, again, believe that it's important to state  
9 that we don't make changes to the execution procedure  
10 often.

11 Q. And I understand that. I think I've got four  
12 or five, at most, versions that have been provided to  
13 me, and they cover a time period going back over  
14 11 years, and I believe that they constitute all of the  
15 changes that have been made. So, no, I don't doubt  
16 that. I recognize that once every two years -- and I  
17 know that that's not every two years, but that seems to  
18 be about the rate that you change it. So I'm not trying  
19 to suggest that to you.

20 Is there a rule that mandates that you  
21 make that discussion -- that you have that discussion  
22 with Mr. Collier? Could you have made the change  
23 without having that discussion with him?

24 A. I am the signature authority on the -- on the  
25 policy, and I believe that it was a professional

1 decision to -- to consult with the executive director  
2 orally on the change.

3 **Q. Did you consult with anyone else who is not**  
4 **your attorney?**

5 A. No one else that's not my attorney. I  
6 consulted with the attorney.

7 **Q. Okay. Are you aware of Mr. Murphy's**  
8 **disciplinary history while he's been incarcerated on**  
9 **death row?**

10 A. I have not specifically reviewed his personal  
11 disciplinary history. I know that Mr. Murphy has every  
12 security precaution designator that our agency has  
13 because of his behavior while incarcerated. He has  
14 taken hostages. He has been staff-assaultive. He's  
15 escaped from our custody. He's used security restraints  
16 inappropriately.

17 And because of his actions and because of  
18 his level of being a very dangerous individual, he has  
19 every security precaution designator that we have.

20 **Q. Do you have any records of him attempting any**  
21 **escape in the time that he's been on death row, which**  
22 **began, I believe, in 2003?**

23 A. I have not reviewed his disciplinary records  
24 while he's been on death row.

25 **Q. Are you aware of him making any attempt to**

1 **escape from anywhere other than the Connally Unit in, I**  
2 **believe, December 1999?**

3 A. I have not reviewed Offender Murphy's  
4 disciplinary records. I have knowledge that the escape  
5 of the Texas 7 from the Connally Unit, he was involved  
6 in, and successfully got out and assaulted staff and  
7 took them hostage.

8 Q. Right. But are you aware of any -- him doing  
9 anything like that in the 20 -- well, excuse me --  
10 19 1/2 years since then?

11 A. I have not personally reviewed Offender  
12 Murphy's disciplinary records.

13 Q. Are you aware that one of the things that we  
14 asked you to be aware of and to provide in preparation  
15 for this were his disciplinary records?

16 A. If they were --

17 MS. O'LEARY: Objection. That misstates  
18 your request.

19 Q. (BY MR. NEWBERRY) Did we ask you for any  
20 disciplinary records reflecting any violent actions  
21 taken by Mr. Murphy in the time that he's been on death  
22 row?

23 A. What was the question?

24 Q. In preparation -- in advance of this  
25 deposition, did we ask you to provide any records of any

1 violent conduct by Mr. Murphy in the time that he's been  
2 on death row?

3 A. I am not sure what -- what was provided.

4 Q. I'm going to mark what was provided by your  
5 counsel -- and, again, I did not bring them another copy  
6 of the document that they sent me, but I am showing you  
7 what was provided by your counsel that I have now marked  
8 as Exhibit 3.

9 (Marked Davis Exhibit No. 3.)

10 Q. (BY MR. NEWBERRY) On Exhibit 3, is the first  
11 page an affidavit signed by the assistant warden at the  
12 Polunsky Unit and --

13 A. Yes, sir.

14 Q. -- notarized by law librarian Kerry Cooper?

15 A. Yes, sir.

16 Q. Okay. Does the document, on its affidavit,  
17 purport to be a record of Mr. Murphy's disciplinary  
18 history at the Polunsky Unit from November 2003 to  
19 present?

20 A. I believe that that's what the affidavit said.  
21 "Attached are copies of the disciplinary records from  
22 11/21/2003 till present for offender Murphy, Patrick,"  
23 and his number.

24 Q. Have you had an opportunity to review those  
25 before now?

1 A. Not before now.

2 Q. If you can review them, can you tell me: Is  
3 it true that those records reflect exactly two  
4 instances?

5 A. Yes, there are two cases attached to this  
6 exhibit --

7 Q. And --

8 A. -- packet, whatever you call it.

9 Q. And is it correct that one of those was where  
10 Mr. Murphy had excess material beyond what was allowed,  
11 I believe extra pairs of socks?

12 A. There is one case for socks and sheets that  
13 were in excess of the amount authorized.

14 Q. And the other incident was an incident where  
15 he gave another inmate something in an envelope?

16 A. Yes.

17 Q. And that would be --

18 A. He made an unauthorized commodity transfer,  
19 receiving a big envelope from a different cell.

20 Q. Is there anything in that set of records that  
21 reflects Mr. Murphy being cited for any assaultive  
22 conduct since November of 2003?

23 A. No, not since November of 2003. But I think  
24 it's important to point out that just because he hasn't  
25 had an assaultive record since then doesn't make him a



1 not dangerous person.

2 Q. But do you have any record of him being cited  
3 for anything dangerous since the November -- excuse  
4 me -- the December 1999 escape?

5 A. No, sir.

6 Q. And do you have any reason to doubt that that  
7 is a complete set of his disciplinary infractions from  
8 the time that he's been on death row?

9 A. I don't have a reason to doubt that.

10 Q. Besides the statement that you gave on  
11 March 26th, 2019, that I've marked as Exhibit 1 during  
12 this deposition, have you -- have any other statements  
13 been taken from you or on your behalf relating to the  
14 facts that are the subject of this litigation?

15 A. I do not believe so.

16 Q. But you would know whether you gave a  
17 statement besides the March 26th one, wouldn't you?

18 A. Yes, I believe so.

19 Q. And --

20 A. But I didn't -- the way -- I didn't -- maybe I  
21 didn't understand your question.

22 Q. Have you given any other statements, besides  
23 Exhibit 1, related to this proceeding?

24 A. No, sir.

25 MR. NEWBERRY: I believe those are all

1 the questions I have. I'll pass her to you.

2 MS. O'LEARY: Can we take a five-minute  
3 break?

4 MR. NEWBERRY: Sure.

5 (Break from 10:41 a.m. to 10:49 a.m.)

6 MS. O'LEARY: Mr. Newberry has passed the  
7 witness, and we reserve our questions for trial.

8 THE REPORTER: And signature?

9 MS. O'LEARY: We'd like to sign and  
10 return, please.

11 THE REPORTER: And send it to?

12 MS. O'LEARY: You can send it to me.

13 (The deposition concluded at 10:49 a.m.)  
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## WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
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I, LORIE DAVIS, have read the foregoing  
deposition and hereby affix my signature that same is  
true and correct, except as noted above.

\_\_\_\_\_  
LORIE DAVIS

STATE OF \_\_\_\_\_ \*

COUNTY OF \_\_\_\_\_ \*

Before me, \_\_\_\_\_, on this  
day personally appeared LORIE DAVIS, known to me (or  
proved to me under oath or through \_\_\_\_\_)  
(description of identity card or other document) to be  
the person whose name is subscribed to the foregoing  
instrument and acknowledged to me that they executed the  
same for the purposes and consideration therein  
expressed.

Given under my hand and seal of office on  
this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF \_\_\_\_\_

REPORTER'S CERTIFICATE

I, KERRIENNE L. BOND, CSR, hereby certify that this transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me.

I further certify that I am neither attorney nor counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor do I have a financial interest in the action.

Certified to by me on July 3, 2019.



KERRIENNE L. BOND, TEXAS CSR NO. 8537  
Expiration Date: 12-31-20  
INTEGRITY LEGAL SUPPORT SOLUTIONS  
Firm Registration No. 528  
P.O. Box 245  
Manchaca, Texas 78652  
Phone: (512) 320-8690  
Fax: (512) 320-8692



# Exhibit D

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PATRICK HENRY MURPHY,  
JR.,

*Plaintiff,*

v.

BRYAN COLLIER, et al.,  
*Defendants.*

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§

ACTION NO. 4:19-CV-1106

DECLARATION OF LORIE DAVIS

My name is Lorie Davis. I am over 21 years of age, of sound mind, capable of making this declaration, and personally acquainted with the facts as stated herein.

I am employed by the Texas Department of Criminal Justice ("TDCJ") as the Director of the Correctional Institutions Division ("CID"). I started as a correctional officer at the Ellis Unit in 1988 and worked my way up to the highest ranking CID official. During this time, I have served as: (1) senior warden at eleven CID units, (2) the CID Region III Director, (3) Director of Correctional Training and Staff Development, (4) CID Management Operations Deputy Director, and (5) Deputy Director of CID Support Operations. I have extensive knowledge of the TDCJ prison system and the constant need to be vigilant against both internal and external threats to security.

It is my understanding that the TDCJ has been named as a defendant in the above titled lawsuit. I have been asked to provide this affidavit describing the relevant current execution procedures.

Texas has executed 23 prisoners since I became Director of the CID. I am familiar with every detail that takes place on the day of an execution, and I am required by state law to supervise the execution. The general process used by the TDCJ has been in place since 1982, and a successful execution depends on the TDCJ maintaining control over every aspect of the process.

An execution is intense. Emotions are heightened throughout the day, and they peak in the minutes leading up to and during the execution of the condemned. Every person involved in the process is hand-picked after many years of devoted service because it is extremely difficult to

know how anyone will handle that uniquely high level of stress – including the condemned, TDCJ staff, and the executioners. A tie-down team secures the condemned to the gurney, and an execution team prepares the condemned for intravenous injection. I personally select the warden and TDCJ chaplain who are present in the execution chamber during the execution. These individuals go through extensive training, including practice runs prior to an execution. If there is any sign that a person involved is losing the necessary mental fortitude, then I will not permit them to participate in future executions. There is no room for error, and uncertainty about how a person will perform on the day of execution is unacceptable.

A successful execution revolves around two things: (1) the victims of the crime, and (2) security. The process is important to each one.

Once the condemned is secured to the gurney, the victim's family and friends are escorted to their viewing area. The condemned's chosen witnesses are then brought into a separate, adjacent viewing area. The two groups never see or otherwise interact with each other. The only persons the victim's family and friends see are the condemned, the TDCJ chaplain, the warden, and myself. This enables the victim's family and friends the opportunity to experience the execution in a way that promotes justice and closure.

Once the victim's and condemned's family and friends are in their respective viewing areas, I determine whether the area is secure and the execution may proceed. If I give the warden approval to proceed, I leave the execution chamber and join the execution team in an adjacent room. At this time, there are only three people in the execution chamber – the condemned, the warden, and the TDCJ chaplain. The room is as secure as possible, and potential disruptions are minimized. The condemned is given an opportunity to say his final words, and when finished, a lethal amount of pentobarbital is administered. The warden and TDCJ chaplain remain in the execution chamber until the condemned is deceased.

State law permits the condemned's spiritual advisor or clergyman to visit the condemned at all proper times prior to the execution. State law also permits that person to be present during the execution. However, under no circumstance would it be safe or feasible for the condemned's clergyman or spiritual advisor be present in the execution chamber.

The risks created by permitting an outside spiritual advisor to be present in the execution chamber are numerous and significant. For example, the person could pull the intravenous lines out of the condemned, thereby interrupting the execution. The person could taunt the victim's family and friends, causing immense emotional harm. The person could create a disruption or assault the warden or TDCJ chaplain inside the execution chamber. The person could attempt to gain access to the execution team and jeopardize exposing their identities. Any of these actions would require the opening of the execution chamber door, which is an unacceptable security risk, and the intervention of correctional staff and/or peace officers.

Even if the condemned's spiritual advisor does not have malicious intentions, I cannot permit that person to be in the execution chamber. It is very difficult to know how someone will react when placed in such an intense environment. Peaceful witnesses have turned violent, and

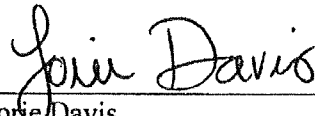


other observers have fainted. A spiritual advisor who faints or otherwise requires medical attention during the execution would create an unnecessary security risk.

The TDCJ is successful in its daily operations because of the agency's ability to be flexible and adapt. However, the execution process is one area where there is no flexibility. The general process used by the TDCJ has been tested and perfected since 1982. Any deviation from the execution process would jeopardize the lives of TDCJ officials, the respect for the dignity of the condemned, the experience for the victim's family and friends, and justice for the State of Texas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2019.

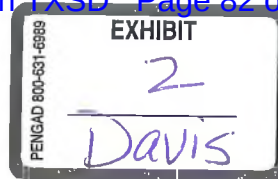
A handwritten signature in cursive script, reading "Lorie Davis", is written over a horizontal line.

Lorie Davis

Director

Correctional Institutions Division

Texas Department of Criminal Justice



AFFIDAVIT

THE STATE OF TEXAS §

COUNTY OF WALKER §


BEFORE ME, the undersigned authority, on this day personally appeared Lorie Davis, who, being by me duly sworn, deposed as follows:

My name is Lorie Davis and I am an employee of the Texas Department of Criminal Justice (TDCJ), a governmental agency. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

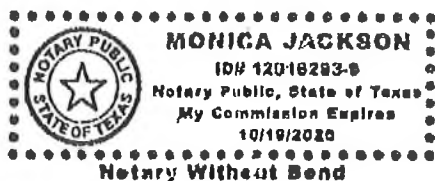
I am the Director for the Correctional Institutions Division, a part of the TDCJ located in Huntsville, Texas. Attached is a true and correct copy of the *TDCJ Execution Procedure*, which is kept by the TDCJ in the regular course of its business activity. The entry of such record was made as a regularly conducted activity and a regular practice of the TDCJ, and was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.

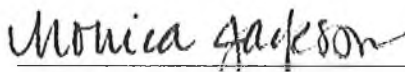
I declare under penalty of perjury that the foregoing is true and correct.

"Further Affiant sayeth not."

  
\_\_\_\_\_  
Lorie Davis  
Director VII  
Correctional Institutions Division  
Texas Department of Criminal Justice

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on the 15th day of April, 2019.



  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

MONICA JACKSON  
Notary's Printed Name

My Commission Expires:  
OCTOBER 19, 2020

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# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## Correctional Institutions Division

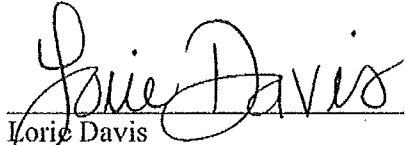


## EXECUTION PROCEDURE

April 2019

***ADOPTION OF EXECUTION PROCEDURE***

In my duties as Division Director of the Correctional Institutions Division, I hereby adopt the attached Execution Procedure for use in the operation of the Texas Department of Criminal Justice Death Row housing units and perimeter functions. This Procedure is in compliance with Texas Board of Criminal Justice Rule §152.51; §§492.013(a), 493.004, Texas Government Code, and Article 43.14 – 43.20, Code of Criminal Procedure.

  
Lorie Davis

Director, Correctional Institutions Division

4.2.19  
Date

## EXECUTION PROCEDURES

### PROCEDURES

#### I. Procedures Upon Notification of Execution Date

- A. The clerk of the trial court pursuant to Tex Code of Criminal Procedure art. 43.15 shall officially notify the Correctional Institutions Division (CID) Director, who shall then notify the Death Row Unit Warden, and the Huntsville Unit Warden of an offender's execution date. Once an execution date is received, the Death Row Unit Warden's office shall notify the Unit Classification Chief, and the Death Row Supervisor.
- B. The Death Row Supervisor shall schedule an interview with the condemned offender and provide him with the Notification of Execution Date (Form 1). This form provides the offender with a list of the information that shall be requested from him (2) two weeks prior to the scheduled execution.
- C. The condemned offender may be moved to a designated cell. Any keep-on-person (KOP) medication shall be confiscated and administered to the offender as needed by Unit Health Services staff.

#### II. Stays of Execution

- A. Official notification of a stay of execution shall be delivered to the CID Director, the Death Row Unit Warden, and the Huntsville Unit Warden through the Huntsville Unit Warden's Office. **Staff must not accept a stay of execution from the offender's attorney.** After the official stay is received, the Death Row Unit Warden's office shall notify the Unit Classification Chief and Death Row Supervisor.
- B. Designated staff on the Death Row Unit shall notify the offender that a stay of execution has been received.

#### III. Preparation of the Execution Summary and Packet

- A. Two Weeks (14 days) Prior to the Execution
  1. The Death Row Unit shall begin preparation of the Execution Summary. The Execution Summary (Form 2) and the Religious Orientation Statement (Form 3) shall be forwarded to the Death Row Supervisor or Warden's designee for completion. A copy of the offender's current visitation list and recent commissary activity shall also be provided.
  2. The Death Row Supervisor shall arrange an interview with the condemned offender to gather the information necessary to complete the Execution Summary and Religious Orientation Statement.

3. An offender may request to have his body donated to the Texas State Anatomical Board for medical education and research. The appropriate paperwork shall be supplied to the offender upon request.
4. The Execution Summary must be completed and returned by the Death Row Supervisor or Warden's designee in sufficient time to be forwarded to the CID Director's Office by noon of the 14<sup>th</sup> day. After approval by the CID Director, the summary shall be forwarded to the Death Row Unit Chaplain, the Huntsville Unit Warden's Office, and the Communications Department.
5. If the offender wishes to change the names of his witnesses, and it is less than fourteen (14) days prior to the scheduled execution, the offender shall submit a request in writing to the CID Director through the Death Row Unit Warden, who shall approve or disapprove the changes.
6. The Death Row Unit is responsible for completion of the Execution Packet which shall include:
  - a. Execution Summary;
  - b. Religious Orientation Statement;
  - c. Copy of the Offender Travel Card;
  - d. Current Visitation List;
  - e. Execution Watch Notification;
  - f. Execution Watch Logs;
  - g. I-25 Offender's Request for Trust Fund Withdrawal;
  - h. Offender Property Documentation (PROP-05 and PROP-08); and
  - i. Other documents as necessary.
7. The Death Row Supervisor or the Warden's designee shall notify staff (Form 4) to begin the Execution Watch Log (Form 5).
8. The Execution Watch Log shall begin at 6:00 a.m. seven (7) days prior to the scheduled execution. The seven (7) day timeframe shall not include the day of the execution. The offender shall be observed, logging his activities every 30 minutes for the first six (6) days and every 15 minutes for the remaining 36 hours. The Communications Department may request information from the Execution Watch Log on the day of execution.
9. The original Execution Packet and the offender's medical file shall be sent with the condemned offender in the transport vehicle to the Huntsville Unit or the Goree Unit for a female offender. The Death Row Unit Warden shall maintain a copy of the Execution Packet on the Death Row Unit.
10. If there are any changes necessary to the Execution Packet, staff shall notify the CID Director's Office and the Huntsville Unit Warden's Office.

B. The Day of Execution

1. On the morning of the day of the execution prior to final visitation, all of the offender's personal property shall be packed and inventoried. The property officer shall complete an "Offender Property Inventory" (PROP-05) detailing each item of the offender's property. The property officer shall also complete a "Disposition of Confiscated Offender Property" (PROP-08) indicating the offender's choice of disposition of personal property.
  - a. If disposition is to be made from the Huntsville Unit a copy of the property forms should be maintained by the Death Row Unit Property Officer and the originals forwarded to the Huntsville Unit with the property.
  - b. If disposition is to be made from the Death Row Unit a copy of the property forms will be placed in the Execution Packet and the original forms maintained on the Death Row Unit through the completion of the disposition process.
  - c. The Mountain View Unit Warden shall ensure that a female offender brings personal hygiene and gender-specific items to the Huntsville Unit as appropriate.
2. Designated staff shall obtain the offender's current Trust Fund balance and prepare the Offender's Request for Trust Fund Withdrawal (I-25) for completion by the offender.
  - a. The following statement should be written or typed on the reverse side of the I-25, "In the event of my execution, please distribute the balance of my Inmate Trust Fund account as directed by this Request for Withdrawal." The offender's name, number, signature, thumbprint, date, and time should be below this statement. Two (2) employees' names and signatures should be below the offender's signature as witnesses that the offender authorized the form.
  - b. This Request for Withdrawal form shall be delivered to the Inmate Trust Fund for processing by 10:00 a.m. CST the next business day following the execution.
3. A female offender may be transported to the Goree unit prior to the day of the execution. The Execution Transport Log for Female Offenders (Form 7) shall be initiated at the Mountain View Unit. The Goree Unit staff will initiate the Execution Watch Log upon arrival on the Goree Unit, permit visitation as appropriate and transport the offender to the Huntsville Unit.



12. The offender may have visits with a TDCJ Chaplain(s), a Minister/Spiritual Advisor who has the appropriate credentials and his attorney(s) on the day of execution at the Huntsville Unit; however, the Huntsville Unit Warden must approve all visits.

13. There shall be no family or media visits allowed at the Huntsville Unit.

#### **IV. Drug Team Qualifications and Training**

- A. The drug team shall have at least one medically trained individual. Each medically trained individual shall at least be certified or licensed as a certified medical assistant, phlebotomist, emergency medical technician, paramedic, or military corpsman. Each medically trained individual shall have one year of professional experience before participating as part of a drug team, shall retain current licensure, and shall fulfill continuing education requirements commensurate with licensure. Neither medically trained individuals nor any other members of the drug team shall be identified.
- B. Each new member of the drug team shall receive training before participating in an execution without direct supervision. The training shall consist of following the drug team through at least two executions, receiving step-by-step instruction from existing team members. The new team member will then participate in at least two executions under the direct supervision of existing team members. Thereafter, the new team member may participate in executions without the direct supervision of existing team members.
- C. The Huntsville Unit Warden shall review annually the training and current licensure, as appropriate, of each team member to ensure compliance with the required qualifications and training.

#### **V. Pre-execution Procedures**

- A. The Huntsville Unit Warden's Office shall serve as the communication command post and entry to this area shall be restricted.
- B. Inventory and Equipment Check
  - 1. Designated staff on the Huntsville Unit are responsible for ensuring the purchase, storage, and control of all chemicals used in lethal injection executions for the State of Texas.
  - 2. The drug team shall obtain all of the equipment and supplies necessary to perform the lethal injection from the designated storage area.
  - 3. An inventory and equipment check shall be conducted.



4. Expiration dates of all applicable items are to be checked on each individual item. Outdated items shall be replaced immediately.
- C. Minister/Spiritual Advisor and attorney visits shall occur between 3:00 and 4:00 p.m. CST unless exceptional circumstances exist. Exceptions may be granted under unusual circumstances as approved by the Huntsville Unit Warden.
- D. The offender shall be served his last meal at approximately 4:00 p.m. CST.
- E. The offender shall be afforded an opportunity to shower and shall be provided with clean clothes at some time prior to 6:00 p.m. CST.
- F. Only TDCJ security personnel shall be permitted in the execution chamber. The CID Director or designee and the Huntsville Unit Warden or designee shall accompany the offender while in the Execution Chamber. TDCJ Chaplains and Ministers/Spiritual Advisors designated by the offender may observe the execution only from the witness rooms.

#### **VI. Set up Preparations for the Lethal Injection**

- A. One (1) syringe of normal saline shall be prepared by members of the drug team.
- B. The lethal injection drug shall be mixed and syringes shall be prepared by members of the drug team as follows:

Pentobarbital - 100 milliliters of solution containing 5 grams of Pentobarbital.
- C. The drug team shall have available a back-up set of the normal saline syringe and the lethal injection drug in case unforeseen events make their use necessary.

#### **VII. Execution Procedures**

- A. After 6:00 p.m. CST and after confirming with the Office of the Attorney General and the Governor's Office that no further stays, if any, will be imposed and that imposition of the court's order should proceed, the CID Director or designee shall give the order to escort the offender into the execution chamber.
- B. The offender shall be escorted from the holding cell into the Execution Chamber and secured to the gurney.
- C. A medically trained individual shall insert intravenous (IV) catheters into a suitable vein of the condemned person. If a suitable vein cannot be discovered in an arm, the medically trained individual shall substitute a suitable vein in another part of the body, but shall not use a "cut-down" procedure to access a suitable vein. The medically trained individual shall take as much time as is needed to properly insert the IV lines. The medically trained individual shall connect an IV administration set, and start a normal saline solution to flow at a slow rate through

one of the lines. The second line is started as a precaution and is used only if a potential problem is identified with the primary line. The CID Director or designee, the Huntsville Unit Warden or designee, and the medically trained individual shall observe the IV to ensure that the rate of flow is uninterrupted.

- D. Witnesses to the execution shall be brought into the appropriate viewing area ONLY AFTER the Saline IV has been started and is running properly, as instructed by the Huntsville Unit Warden or designee.
- E. The CID Director or designee shall give the order to commence with the execution.
- F. The Huntsville Unit Warden or designee shall allow the condemned person to make a brief, last statement.
- G. The Huntsville Unit Warden or designee shall instruct the drug team to induce, by syringe, substances necessary to cause death.
- H. The flow of normal saline through the IV shall be discontinued.
- I. The lethal dose of Pentobarbital shall be commenced. When the entire contents of the syringe have been injected, the line shall be flushed with an injection of normal saline.
- J. The CID Director or designee and the Huntsville Unit Warden or designee shall observe the appearance of the condemned individual during application of the Pentobarbital. If, after a sufficient time for death to have occurred, the condemned individual exhibits visible signs of life, the CID Director or designee shall instruct the drug team to administer an additional 5 grams of Pentobarbital followed with a saline flush.
- K. At the completion of the process and after a sufficient time for death to have occurred, the Warden shall direct the physician to enter the Execution Chamber to examine the offender, pronounce the offender's death, and designate the official time of death.
- L. The body shall be immediately removed from the Execution Chamber and transported by a coordinating funeral home. Arrangements for the body should be concluded prior to execution.

**VIII.** Employee participants in the Execution Process shall not be identified or their names released to the public. They shall receive an orientation with the Huntsville, Goree, Polansky, or Mountain View Unit Wardens, who shall inform the employees of the TDCJ ED-06.63, "Crisis Response Intervention Support Program" (CRISP). The employees shall be encouraged to contact the Regional CRISP Team Leader following the initial participation in the execution process.



## AFFIDAVIT

STATE OF TEXAS )  
 )  
 COUNTY OF POLK )

BEFORE ME, the undersigned authority, personally appeared Jerry Bell, who, being duly sworn by me, deposed as follows:

"My name is Jerry Bell. I am of sound mind; capable of making this affidavit; and I am authorized to make this affidavit in the capacity herein state. I am personally acquainted with the facts herein stated."

"I am employed as the Assistant Warden for the Texas Department of Criminal Justice ("TDCJ") Polunsky Unit located in Livingston, Texas, and do hereby certify that I am the custodian of records maintained in the regular course of business of the TDCJ."

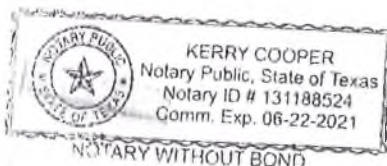
"I have reviewed the records you have requested; and hereby certify that the attached copies of documents are true and correct copies of the original records now on file in my custody. I further certify that the records attached here to are maintained in the usual and regular course of business at the TDCJ. The entries made and/or documents created were created at or about the time of the occurrence, or reasonable soon thereafter, by an employee or representative of TDCJ with knowledge of the act, event, condition, opinion, or diagnosis reflected in the records, and that such records are maintained on each and every offender confined here."

"Attached are copies of the disciplinary records from 11/21/2003 till present for offender Murphy, Patrick #999461."

Jerry Bell  
 Jerry Bell, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME on June 19, 2019, by the said Jerry Bell, to certify which witness my hand and seal of office.

Kerry Cooper  
 Notary Public in and for the State of Texas



# BUSINESS RECORDS AFFIDAVIT

MURPHY 1721

Informal Resolution App?

Officer Y ☒ NSupervisor Y ☒ N

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## OFFENSE REPORT

Case No. \_\_\_\_\_

MHMR Rest? Y N

PHD Y N

(1) TDCJ-No. 999461 (2) Offender Murphy Patrick (3) Unit Pokunsky(4) Housing Assign: 12 Bldg A E 66 cell (5) Job Assignment: None(6) Offense Level, Code Title: Level 2, Code 16.0 Possession ofContrabandOFFENSE DESCRIPTION: On 1-7-06 at 2033 AM/PM, and at 12 Bldg A E 66 cell

(7) Date

(8) Time

(9) Enter Specific Location

Offender Murphy, Patrick TDCJ No. 999461

did possess contraband, namely three pair of socks and three sheets, which is in excess of the amount authorized, such amount being two pair of socks and two sheets.

## (10) Additional Information:

While doing a cell shakedown, on the date and time listed above, and at 12-Bldg, A-Pod, E-Section, 2-Row, 66 cell, Offender Murphy Patrick, TDCJ No 999461, did possess contraband, namely three pair of socks and three sheets, which is in excess of the amount authorized, such amount being two pair of socks and two sheets.

JAN 09 2006

(Continue on additional sheet if necessary)

(11) Witnesses: n/a(12) Accusing Officer/Employee: Printed Name/Rank HADNOT, B. CO4(13) Signature: Hadnot, B. (14) Shift/Card 2/2 (15) Date 1-8-06 (16) Time 0050(17) Approving Supervisor's Printed Name: STERN (18) Date 1-08-06(19) Grading Official (Print) Blusch (20) Rank AW (21) Date 1/9/06(22) Grade: (Circle One) IR UP ☒ MI MA (23) Justification to override Informal Resolution: \_\_\_\_\_

## ELIMINARY INVESTIGATION REPORT

This report is to be completed on each Offense Report for review by the grading official. The purpose of this report is to obtain any other pertinent information about the incident prior to grading the Offense Report. The Preliminary investigation should not be completed by the charging officer or a person involved in the incident.

Offender: Murphy, Patrick TDCJ No. 999461

Date & Time Investigation started: 1-08-06 0441

1. ELEMENTS OF CHARGE. Does the offense description support the elements of each charge (the things that had to be done in order to commit an offense). If "No," have charging officer add needed information.

Offense Code 16.0: Yes ☒ No ☐  
Offense Code \_\_\_\_\_: Yes ☐ No ☐

Offense Code \_\_\_\_\_: Yes ☐ No ☐  
Offense Code \_\_\_\_\_: Yes ☐ No ☐

2. ADDITIONAL INFORMATION. Has the charging officer included supporting information or evidence to supplement the standardized pleading such as items listed below? (Write "Yes," "No," or "NA" [not applicable] by each item).

- NO a. listing other witnesses to the incident,  
NO b. documentary evidence, e.g., photographs of contraband, etc.  
YES c. additional information about the offense.

3. ACCUSED OFFENDER states that: (Print interpreter's name if applicable):

I had it.

4. ACCUSING OFFICER states that: As stated in the additional information.

5. WITNESS STATEMENTS (List employee or offender; attach statements to report): NA

6. DOCUMENTATION. Documents reviewed (lay-ins, appointments, medical records, etc.)  
☐ Lay-ins, ☐ Roster, ☐ Medical Records, ☐ Picture, ☐ Other (List & attach to report)

NA

S. GOINS  
Name of Investigating Officer (Print)

SGT.  
Rank

1-08-06 0443  
Date & Time Investigation Completed

7. INFORMAL RESOLUTION was not appropriate or not possible because:

This type of behavior will not be tolerated

STERN  
Approving Supervisor's Printed Name

LT.  
Rank

1-08-06  
Date

MURPHY 1723



## TDCJ DISCIPLINARY REPORT AND HEARING RECORD

CASE: 20060125839 TDCJ NO: 00999461 NAME: MURPHY, PATRICK HENRY JR EA: 7.7  
 UNIT: TL HONG: 13AE2 66 12B-37 JOB: DR SEG LEVEL I IQ: 096  
 CLASS: L3 CUST: D1 PRIMARY LANGUAGE: ENGLISH MMR RESTRICTIONS: NO  
 GRADE: MI / BH OFF. DATE: 01/07/06 08:33 PM LOCATION: TL 12 BLDG A POD E SECT  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT 12 BLDG AE 66 CELL, OFFENDER: MURPHY, PATRICK HENRY JR, TDCJ-ID NO. 00999461, DID POSSESS CONTRABAND, NAMELY, THREE PAIR OF SOCKS AND THREE SHEETS, WHICH IS IN EXCESS OF THE AMOUNT AUTHORIZED, SUCH AMOUNT BEING TWO PAIR OF SOCKS AND TWO SHEETS.

CHARGING OFFICER: HADNOT, B CO IV

SHIFT/CARD: 2 Z

## OFFENDER NOTIFICATION

TIME & DATE NOTIFIED: 1952 1/12/06 BY: (PRINT) Wood, A. Cox IF APPLICABLE INTERPRETER,

YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: Patrick Murphy 999461 DATE: Jan 12, 06

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: Patrick Murphy 999461 DATE: Jan 12, 06

## HEARING INFORMATION

HEARING DATE: 1-12-06 TIME: 2116 INTERPRETER SIGNATURE:

EXPLAIN BELOW IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER THE OFFENSE DATE:

OFFENDER STATEMENT: I WAS CALLED.

OFFENSE CODES:	16.0			
OFFENDER PLEA: (G, NG, NONE)	G			
FINDINGS: (G, NG, DS)	G			

## PUNISHMENT

LOSS OF PRIV(DAYS) \_\_\_\_\_ REPRIMAND \_\_\_\_\_  
 \*RECREATION(DAYS) \_\_\_\_\_ EXTRA DUTY(HOURS) \_\_\_\_\_  
 \*COMMISSARY(DAYS) \_\_\_\_\_ CONT. VISIT SUSP THRU \_\_\_\_/\_\_\_\_/\_\_\_\_  
 \*PROPERTY(DAYS) \_\_\_\_\_ CELL RESTR(DAYS) 10  
 \* \_\_\_\_\_ (DAYS) \_\_\_\_\_

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: OFFENDER IN RESTRAINTS

HEARING OFFICER (PRINT)

(FORM I-47HI) CONTACT A STAFF MEMBER IF YOU DO NOT UNDERSTAND THIS FORM

(REV. 03-02) COMUNIQUESE CON UN MIEMBRO DEL PERSONAL SI NO ENTENDE ESTA FORMA

MURPHY 1724

CSDSP005 T.D.C.J. - INSTITUTIONAL DIVISION 01/09/06  
TL - TL27 MAJOR GRADING REPORT 09:06:56  
PAGE 1  
TDCNO: 00999461 NAME: MURPHY, PATRICK HENRY JR GOOD TIME: 0000 00 00  
CLASS: L3 CUSTODY: D1 WORK TIME: 0000 00 00  
RESTRICTIONS:

## \*\*\*\*\* LAST 180 DAYS CONVICTIONS

OFF	HEAR	REPORT	OFF	*****PENALTY(S)*****
DATE	DATE	NUMBER	CODE DESCRIPTORS LVL	REP/SOL/CLASS/ TIME/XD/CR/PR/CV

NO CONVICTIONS ON FILE FOR LAST 180 DAYS

## \*\*\*\*\* PENDING CASES

OFF DATE	CASE NUMBER	OFF CODE	DESCRIPTORS	GRADE	DISPOSITION
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010706	20060125837	16.0			
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END OF PENDING CASES

MURPHY 1725

Informal Resolution App? ☒ Y ☒ NAccusing Officer ☒ Y ☒ NSupervisor ☒ Y ☒ N

## TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## OFFENSE REPORT

Interpreter Required? ☒ Y ☒ NMHMR Rest? ☒ Y ☒ NPHD ☒ Y ☒ N

(1) TDCJ-No: 999461

(2) Offender: Murphy, Patrick

(3) Unit: TL

(4) Housing Assign: 12 Building B Pod cell 12

(Last Name, First)

(5) Job Assignment: Death - Row

(6) Offense Level, Code Title: Level 3, code 15.0 Trafficking and Trading

OFFENSE DESCRIPTION:

On 6-26-12

at 1049

AM/PM, and at

12 Building B Pod cell 12

(7) date

(8) time

(9) Enter Specific Location

Offender

Murphy, Patrick

TDCJ No.

999461

did make an unauthorized commodity transfer from offender  
 [REDACTED] TDCJ number [REDACTED] by receiving a big  
 envelope from cell [REDACTED]

(10) Additional Information:

While observing the Pod I officer  
 Kelly watch offender Murphy take a big envelope from  
 cell [REDACTED]

JUN 27 2012

(Continue on an additional sheet if necessary)

(11) Witnesses: NA

(12) Accusing Officer/Employee: Printed Name/Rank

Kelly Co2

(13) Signature: [Signature]

(14) Shift/Card

H

(15) Date

6-26-12

(16) Time

1312

(17) Approving Supervisor's Printed Name:

Lt. S. McQu

(18) Date

6/26/12

(19) Grading Official (Print)

V. M. M.

(20) Rank

Capt

(21) Date

JUN 27 2012

(22) Grade: (Circle One) IR UP MA (23) Justification to override Informal Resolution:



TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PRELIMINARY INVESTIGATION REPORT

This report is to be completed on each Offense Report for review by the grading official. The purpose of this report is to obtain any other pertinent information about the incident prior to grading the Offense Report. The Preliminary Investigation should not be completed by the charging officer or a person involved in the incident.

Offender: MURPHY, PATRIC TDCJ No. 999761

Date & Time Investigation started: 6-26-12 1610

1. **ELEMENTS OF CHARGE.** Does the offense description support the elements of each charge (the things that had to be done in order to commit an offense). If "no," have charging officer add needed information.

Offense Code 150: Yes [ ☒ ] No [ ☐ ]      Offense Code —: Yes [ ☐ ] No [ ☐ ]  
Offense Code —: Yes [ ☐ ] No [ ☐ ]      Offense Code —: Yes [ ☐ ] No [ ☐ ]

2. **ADDITIONAL INFORMATION.** Has the charging officer included supporting information or evidence to supplement the standardized pleading such as items listed below? (Write "Yes," "No", or "NA" [not applicable] by each item).

~ a. listing other witnesses to the incident,  
~ b. documentary evidence, e.g. photographs of contraband, etc.  
~ c. additional information about the offense.

3. **ACCUSED OFFENDER STATES THAT:** (Printed and signed interpreter's name if applicable):

"I didn't do it, I was in my cell all day."

4. **ACCUSING OFFICER** states that Said offender did Traffic & Trade

5. **WITNESS STATEMENTS** (List employee or offender name and attach statements to report)

None

6. **DOCUMENTATION.** Documents reviewed (lay-ins, appointments, medical records, etc.)  
[ ☐ ] lay-ins, [ ☐ ] Roster, [ ☐ ] Medical Records, [ ☐ ] Picture, [ ☐ ] Other (List & attach to report)

None

W. G. [Signature] ST 6-26-12 1613  
Name of Investigating Officer (Print) Rank Date & Time Investigation Completed

7. **INFORMAL RESOLUTION** was not appropriate or not possible because:

This behavior will not be tolerated

S. Mcken  
Approving Supervisor's Printed Name

LT  
Rank

6/26/12  
Date

CASE: 2013070012 TUCSON 00098461 NAME: MURPHY, PATRICK HENRY JR.  
 JAIL: 12882 12/12/12 JOB: DR SEG LEVEL: 0  
 CLASS: 01 PRISONARY LANGUAGE: ENGLISH RACE: REPAIRATIONS  
 BRDF: M1 / VM OFF. DATE: 06/26/12 10:49 AM LOCATION: TL DEATH ROW HOUSE 10  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT 12 BLDG B POD CELL 12, OFFENDER:  
 MURPHY, PATRICK HENRY JR. TDCJ-ID NO. 00098461, DID MAKE AN UNAUTHORIZED  
 COMMODITY TRANSFER FROM OFFENDER [REDACTED] TDCJ NUMBER [REDACTED] BY  
 RECEIVING A JIS ENVELOPE FROM CELL [REDACTED]

CHARGING OFFICER: KELLY, M. COII

SHIFT/CARD: 1 1

## OFFENDER NOTIFICATION

IF APPLICABLE INTERPRETER

TIME/DATE NOTIFIED: 2/06 6-27-12 BY: (PRINT) R. Lee COII  
 YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS  
 NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL  
 STATEMENT. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU  
 PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: Patrick Murphy DATE: 6-27-12

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE  
 HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## HEARING INFORMATION

HEARING DATE: 6/28/12 TIME: 2220 INTERPRETER SIGNATURE: \_\_\_\_\_

EXPLAIN BELOW IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEKENDS  
 AND HOLIDAYS, FROM THE OFFENSE DATE: \_\_\_\_\_

OFFENDER STATEMENT: \_\_\_\_\_

Refused to Attend

OFFENSE CODES:

OFFENDER PLEA: (G) NG, NONE)FINDINGS: (G) NG, DS)

15.0

PUNISHMENT

LOSS OF PRIV(DAYS)

REPRIMAND

\*RECREATION(DAYS)

EXTRA DUTY(HOURS)

\*COMMISSARY(DAYS)

CONT.VISIT SUSP THRU

\*PROPERTY(DAYS)

CELL RESTR(DAYS)

\* (DAYS)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: Refused to attend

HEARING OFFICER (PRINT)

WARDEN

(FORM I-47MI) CONTACT A STAFF MEMBER IF YOU DO NOT UNDERSTAND THIS FORM  
 (REV. 04-00) COMUNIQUESE CON UN MIEMBRO DEL PERSONAL SI NO ENTIENDE ESTE FORMULARIO  
 MURPHY 1728

OFFENDER CASE GRADING REPORT

IDCJ: 00999461 NME: MURPHY, PATRICK HENRY JR UNIT: TL GOODTME: 0000 00 00  
CLASS: COST: D1 TYPE: ID PRD REL DTE: 8888-01-01 WORKTIME: 0000 00 00  
RESTRICTIONS:

\*\*\*\*\*  
REPORT REFLECTS OFFENDER AND CASE INFORMATION AS OF: 2012-06-27 06.48.03  
\*\*\*\*\*

NO CONVICTIONS ON FILE FOR LAST 180 DAYS

\*\*\*\*\*

PENDING CASES FOR LAST 180 DAYS

OFF	CASE	CODE	DESCRIPTOR	LV	GRADE	NOTES
052612	20120293912	15.0		3		COMPUTER RECOMMENDED GRADE: M1

END OF PENDING CASES

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
INSTITUTIONAL DIVISION  
**DISCIPLINARY HEARING RESULTS NOTIFICATION**

Inmate Murphy, Patrick Date 6/28/12  
TDCJ - ID No. 999461  
From (De) Lt. Helm Subject: Disciplinary Hearing Record  
Hearing Officer (Oficial de Audiencia) (Registro de Audiencia Disciplinaria)

Polunsky Unit (Unidad)

This is to inform you that a major/minor disciplinary hearing involving your case, report number 20120293912, was held 6/28, 20 12 at approximately 2200 am/pm. Your copy of the Disciplinary Report and Hearing Record is attached.

If you were found guilty, you have the right to appeal the decision of the hearing officer with respect to the determination of guilt and/or the punishment imposed. You may appeal the decision by filing an I-127 with the warden. If you are dissatisfied with the response, you may then file an I-128. If the hearing was a major disciplinary hearing, your counsel substitute will assist you in the appeals process if you need and request assistance. If you need assistance, send an I-60 request to your counsel substitute.

Attachment

**NOTIFICACION DE RESULTADOS DE AUDIENCIA DISCIPLINARIA**

Esto es para informarle que una audiencia disciplinaria mayor/menor respecto a su caso, numero de reporte \_\_\_\_\_, se llevo a cabo el dia \_\_\_\_\_, 20 \_\_\_\_\_, aproximadamente a las \_\_\_\_\_ am/pm. Su copia del reporte disciplinario y registro de audiencia viene pegada.

Si se le encontró culpable, usted tiene el derecho de apelar la decisión del oficial de audiencia, con respecto a la determinación de culpabilidad y/o el castigo impuesto. Usted puede apelar la decisión al archivar la forma I-127 con el guardián. Si no esta satisfecho con la respuesta, puede archivar la forma I-128. Si la audiencia disciplinaria fue mayor, su abogado sustituto le asistirá en su proceso de apelación, si necesita y pide asistencia. Si usted necesita asistencia, mande una petición I-60 a su abogado sustituto.

Suplemento

MURPHY 1730